

# भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 25] नई दिल्ली, शनिवार, जून 22, 1968/आसद्धा 1, 1890

No. 25] NEW DELHI, SATURDAY, JUNE 22, 1968/ASADHA 1, 1890

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

## NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 10 जून, 1968 तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 10th June, 1968 :—

Issue No.	No. and Date	Issued by	Subject
196	S.O. 1956, dated 4th June, 1968.	Ministry of Labour, Employment and Rehabilitation.	Arbitration agreement between employers in relation to Banki Colliery of Messrs N.C.D.C. Ltd., Banki Mogra, Distt. Bilaspur (Madhya Pradesh) and their workmen.
197	S.O. 2062, dated 5th June, 1968.	Ministry of Commerce	The Export of Steel Trunks (Inspection) Amendment Rules, 1968.
198	S.O. 2063, dated 5th June, 1968.	Ministry of Finance	Scheme of fixed deposits.
	S.O. 2064, dated 5th June, 1968.	Do.	Scheme of fixed deposits.
199	S.O. 2065, dated 7th June, 1968.	Ministry of Commerce	Proposals for coir yarn.
200	S.O. 2066, dated 7th June, 1968.	Ministry of Information and Broadcasting.	Approval of the film as specified therein.
201	S.O. 2067, dated 7th June, 1968.	Ministry of Law.	Corrigendum regarding date.

Issue	No. and Date	Issued by	Subject
202	S.O. 2053, dated 17th June, 1963.	Ministry of Industrial Development & Company Affairs.	Appointment of Shri R. N. Bansal, Senior Accounts Officer, Company Law Board (Deptt. of Company Affairs) as a member of the body of persons appointed to make investigation into the affairs of Mahalaxmi Mills Ltd., Bhavnagar, Gujarat State.
203	S.O. 2059, dated 10th June, 1963.	Central Board of Direct Taxes.	Corrigendum to S.O. 1112, dated 18th March, 1968.

ऊपर लिखे असाधारण राजपत्रों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जायेंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

## भाग II—खण्ड 3—उपखण्ड (ii)

### PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़ कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

## ELECTION COMMISSION OF INDIA

### ORDERS

*New Delhi, the 7th June 1968*

**S.O. 2159.**—Whereas the Election Commission is satisfied that Shri Thakur Prasad of Village Bengali Pakri, P.O. Siwan, Distt. Saran (Bihar), a contesting candidate for election to the House of the People from Siwan constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Thakur Prasad to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/5/67(31)]

**S.O. 2160.**—Whereas the Election Commission is satisfied that Shri Uchit Paswan of village Bhawa Dewrhi, Distt. Purnea, Bihar, a contesting candidate for election to the House of the People from Purnea constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Uchit Paswan to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/22/67(32).]

**S.O. 2161.**—Whereas the Election Commission is satisfied that Shri Soofi Kadir of Village and P.O. Sakri, Distt. Darbhanga, Bihar, a contesting candidate for election to the House of the People from Madhubani constituency, has failed to lodge an account of his election expenses as required by the representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Soofi Kadir to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/14/67/(33).]

**S.O. 2162.**—Whereas the Election Commission is satisfied that Shri Lal Mohar Upadhaya, Chandrayoti Kala Niketan, Madanpur District, Shahabad (Bihar) a contesting candidate for election to the House of the People from Shahabad constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure.

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Lal Mohar Upadhaya to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/36/67(28).]

By Order,

A. N. SEN, Secy.

---

## MINISTRY OF HOME AFFAIRS

*New Delhi, the 12th June 1968*

**S.O. 2163.**—In exercise of the powers conferred by clause (2) of article 77 of the Constitution, the President hereby makes the following rules further to amend the Authentication (Orders and other Instruments) Rules, 1958, namely:—

1. (1) These rules may be called the Authentication (Orders and other Instruments) Third Amendment Rules, 1968.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 2 of the Authentication (Orders and other Instruments) Rules, 1958, for clause (j), the following clause shall be substituted, namely :—

“(j) in the case of orders and other instruments relating to the Ministry of Education by a Joint Educational Adviser, or a Deputy Educational Adviser, or an Assistant Educational Adviser, or a Statistical Officer and, in so far as these pertain to the Gazetteers Unit, the Editor (Gazetteers) also; or”.

[No. 3/5/68-Pub.I.]

K. R. PRABHU, Jt. Secy.

**MINISTRY OF FINANCE**  
(Department of Economic Affairs)  
New Delhi, the 11th June 1968

**S.O. 2164.—Statement of the Affairs of the Reserve Bank of India, as on the 31st May, 1968**

**BANKING DEPARTMENT**

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up . . . . .	5,00,00,000	Notes . . . . .	42,22,11 000
		Rupee Coin . . . . .	10,46,000
Reserve Fund . . . . .	80,00,00,000	Small Coin . . . . .	4.69.000
		Bills Purchased and Discounted:—	
National Agricultural Credit (Long Term Operations) Fund . . . . .	131,00,00,000	(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills . . . . .	88,97 04 000
National Agricultural Credit (Stabilisation) Fund . . . . .	25,00,00,000	Balances Held Abroad* . . . . .	107,80,66,000
		Investments** . . . . .	311,83 13,000
		Loans and Advances to:—	
National Industrial Credit (Long Term Operations) Fund . . . . .	30,00,00,000	(i) Central Government . . . . .	..
		(ii) State Governments@ . . . . .	71,26,34,000
Deposits:—		Loans and Advances to:—	
(a) Government—		(i) Scheduled Commercial Banks† . . . . .	73,21 20,000
(i) Central Government . . . . .	84,23,70,000	(ii) State Co-operative Banks‡ . . . . .	142,70 48,000
(ii) State Governments . . . . .	7,49,49,000	(iii) Others . . . . .	3,60 40,000

LIABILITIES	Rs.	ASSETS	Rs.
		Loans, Advances and Investment from National Agricultural Credit (Long Term Operations) Fund—	
(b) Banks—		(a) Loans and Advances to:—	
(i) Scheduled Commercial Banks . . . . .	136,74,27,000	(i) State Governments . . . . .	31,71,15,000
(ii) Scheduled State Co-operative Banks . . . . .	7,21,23,000	(ii) State Co-operative Banks . . . . .	11,49,21,000
(iii) Non-Scheduled State Co-operative Banks . . . . .	1,13,52,000	(iii) Central Land Mortgage Banks . . . . .	..
(iv) Other Banks . . . . .	9,53,000	(b) Investment in Central Land Mortgage Bank Debentures	
(c) Others . . . . .	321,90,48,000	Loans and Advances from National Agricultural Credit	
Bills Payable . . . . .	17,85,75,000	(Stabilisation) Fund . . . . .	7,93,62,000
Other Liabilities . . . . .	130,18,42,000	Loans and Advances to State Co-operative Banks . . . . .	6,49,60,000
		Loans and Advances and Investments from National Industrial Credit (Long Term Operations) Fund —	
		(a) Loans and Advances to the Development Banks . . . . .	6,08,92,000
		(b) Investments in bonds/debentures issued by the Development Bank . . . . .	
		Other Assets . . . . .	72,27,38,000
Rupees . . . . .	977,86,39,000	Rupees . . . . .	977,86,39,000

\*Includes Cash and Short-term Securities.

\*\*Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund, and the National Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 56,13,40,000 advanced to scheduled Commercial Banks against usance bills under section 17(4) (c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 5th day of June, 1968

An Account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 31st day of May, 1968

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.
Notes held in the Banking Department	42,22,11,000		Gold Coin and Bullion:—	
Notes in circulation . . . .	3294,55,96,000		(a) Held in India . . . .	115,89,25,000
Total Notes issued . . . .		3336,78,07,000	(b) Held outside India . . . .	..
			Foreign Securities . . . .	206,42,00,000
			TOTAL . . . .	322,31,25,000
			Rupee Coin . . . .	71,42,14,000
			Government of India Rupee Securities	2943,04,68,000
			Internal Bills of Exchange and other commercial paper . . . .	..
TOTAL LIABILITIES . . . .		3336,78,07,000	TOTAL ASSETS . . . .	3336,78,07,000

Dated the 5th day of June, 1968.

L. K. JHA,  
Governor.

[No. F.3(3)-BC/68.]

New Delhi, the 12th June 1968.

S.O. 2165.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares,—

- (i) that the provisions of sub-section (1) of section 22 of the said Act shall not apply to the Sibsagar District Central Co-operative Bank Ltd., Jorhat, until the Banking Laws (Amendment) Bill, 1967, becomes law; and
- (ii) that the provisions of sub-section (1) of section 11 of the said Act shall not apply to the said Co-operative bank for a period of three years with effect from 6th February 1968.

[No. F. 18/6/68-SB.]

New Delhi, the 13th June 1968

S.O. 2166.—Statement of the Affairs of the Reserve Bank of India as on the 7th June, 1968.

## BANKING DEPARTMENT

LIABILITIES		Rs.	ASSETS		Rs.
Capital paid up . . . . .		5,00,00,000	Notes . . . . .		15,39,79,000
			Rupee Coin . . . . .		4,61,000
Reserve Fund . . . . .		80,00,00,000	Small Coin . . . . .		4,55,000
National Agricultural Credit (Long Term Operations) Fund . . . . .		131,00,00,000	Bills Purchased and Discounted . . . . .		
			(a) Inter al . . . . .		..
			(b) External . . . . .		..
			(c) Government Treasury Bills . . . . .		132,00,66,000
National Agricultural Credit (Stabilisation) Fund . . . . .		25,00,00,000	Balances Held Abroad* . . . . .		116,26,04,000
			Investments** . . . . .		249,78,61,000
National Industrial Credit (Long Term Operations) Fund . . . . .		30,00,00,000	Loans and Advances to :—		
			(i) Central Government . . . . .		..
			(ii) State Governments @ . . . . .		30,11,83,000

**Deposits :—**

**(a) Government**

(i) Central Government . . . . . 54,26,10,000

(ii) State Governments . . . . . 9,52,93,000

**(b) Banks**

(i) Scheduled Commercial Banks . . . . . 140,36,75,000

(ii) Scheduled State Co-operative Banks . . . . . 8,32,08,000

(iii) Non-Scheduled State Co-operative Banks . . . . . 74,97,000

(iv) Other Banks . . . . . 55,12,000

(c) Others . . . . . 319,52,93,000

Bills Payable . . . . . 20,97,99,000

Other Liabilities . . . . . 129,07,31,000

Rupees . . . . . 954,36,18,000

**Loans and Advances to :—**

(i) Scheduled Commercial Banks† . . . . . 129,80,96,000

(ii) State Co-operative Banks†† . . . . . 139,31,75,000

(iii) Others . . . . . 4,11,90,000

**Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund:—**

**(a) Loans and Advances to :—**

(i) State Governments . . . . . 31,71,16,000

(ii) State Co-operative Banks . . . . . 11,84,98,000

(iii) Central Land Mortgage Banks . . . . . ..

(b) Investment in Central Land Mortgage Bank Debentures . . . . . 7,93,62,000

**Loans and Advances from National Agricultural Credit (Stabilisation) Fund:—**

Loans and Advances to State Co-operative Banks . . . . . 6,36,18,000

**Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund:—**

(a) Loans and Advances to the Development Bank . . . . . 6,08,92,000

(b) Investment in bonds/debentures issued by the Development Bank . . . . . ..

Other Assets . . . . . 73,50,62,000

Rupees . . . . . 954,36,18,000

\*Includes Cash and Short-term Securities.

\*\*Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

‡Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 155,03,49,000 advanced to scheduled commercial banks against usance bills under section 17(4) (c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund

Dated the 12th day of June, 1968.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 7th day of June, 1968

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	15,39,79,000		Gold Coin and Bullion :—		
Notes in Circulation	<u>3373,08,53,000</u>		(a) Held in India . . . .	115,89,25,000	
Total Notes issued		3388,48,32,000	(b) Held outside India . . . .	..	
			Foreign Securities . . . .	<u>206,42,00,000</u>	
			TOTAL . . . .		322,31,25,000
			Rupee Coin		68,12,39,000
			Government of India Rupee Securities .		2998,04,68,000
			Internal Bills of Exchange and other commercial paper . . . .		..
TOTAL LIABILITIES		<u>3388 48,32,000</u>	TOTAL ASSETS . . . .		<u>3388,48,32,000</u>

Dated the 12th day of June, 1968

L. K. JHA  
Governor.  
[No. F. 3(3)-BC/68.]

**S.O. 2167.**—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949) and Rule 16 of the Banking Companies Rules, 1949, the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 31 of the said Act and Rule 15 of the said Rules shall not apply to the undernoted banking companies in so far as they relate to the publication of their balance sheets and profit and loss accounts for the year ended the 31st December 1967, together with the auditors' reports in a newspaper.

1. Cochin Commercial Bank Ltd., Cochin.
2. Derajat Bank Ltd., Amritsar.
3. Frontier Bank Ltd., New Delhi.
4. Faridpur Banking Corporation Ltd., Calcutta.
5. National Bank of Pakistan, Calcutta.
6. P. N. N. Bank Ltd., Salem.
7. Purnea Banking Corporation Ltd., Purnea.
8. Sree Poornathrayeesa Vilasom Bank Ltd., Tripunithura.
9. Tamluk Loan Office Banking Co. Ltd., Tamluk.
10. United Mercantile Bank (Assam) Ltd., Golaghat.

[No. F. 15(7)-BC/68.]

*New Delhi, the 17th June 1968*

**S.O. 2168.**—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949) and Rule 16 of the Banking Companies Rules, 1949, the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 31 of the said Act and Rule 15 of the said Rules shall not apply to the Rajapalaiyam Commercial Bank (P) Ltd., Rajapalaiyam in so far as they relate to the publication of its balance sheet and profit and loss account for the year ended the 31st December 1967, together with the auditor's report, in a newspaper.

[No. F. 15(7)-BC/68.]

C. F. CHEREATH, Under Secy.

#### (Department of Revenue and Insurance)

#### INCOME-TAX

*New Delhi, the 10th June 1968*

**S.O. 2169.**—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Medical Research, the "prescribed authority", for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (43 of 1961).

#### INSTITUTION

N. M. Wadia Institute of Cardiology, Poona.

[No. 52/F. No. 10/3/67-IT(A-II).]

JAGDISH CHAND, Dy. Secy.

#### CENTRAL BOARD OF DIRECT TAXES

#### INCOME-TAX

*New Delhi, the 5th June 1968*

**S.O. 2170.**—In exercise of the powers conferred by sub-section (1) of section 122 of the Income Tax Act, 1961 (43 of 1961) and of all other powers enabling

it in that behalf and in supersession of all the previous notification in this regard, the Central Board of Direct Taxes, hereby directs that the Appellate Assistant Commissioners of Income Tax of the Ranges specified in column I of the Schedule below, shall perform their functions in respect of all persons and incomes assessed to income-tax or super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in Column 2 thereof:—

## SCHEDULE

Ranges 1	Income-tax Circles, Wards & Districts 2
A Range, New Delhi	Companies Circles, IV, VII, X, XII, XIV, XV, XVI, XVII, and XVIII, New Delhi.
B Range, New Delhi	1. Refunds Circle, New Delhi. 2. Special Survey Circles I, II, III, IV, V, VI, VII, VIII and IX, New Delhi. 3. District III, Wards A(I), C(I), E(I), G(I), I(I), K(I), and M(I), New Delhi. 4. Special Assessment Circles I, II, III, IV, VI, and VIII, New Delhi. 5. District IV, Wards A(I), B(I), C(I) and C(II), New Delhi. 6. Income Tax <i>cum</i> Wealth Tax Circle VII, New Delhi. 7. B-I, B-I(I), B-III and B-III(I), New Delhi. 8. Evacuee Circle, New Delhi. 9. D-I and D-II Districts, New Delhi. 10. District III, Wards A, Addl. (A), D and O, New Delhi.
C-Range, New Delhi.	Central Circles, I, V, VI, VII and VIII, Delhi. 2. Special Investigation Circles A, B, and C, New Delhi. 3. Special Circles and Addl. Special Circles, New Delhi.
D-Range, New Delhi.	1. Income Tax <i>cum</i> Wealth Tax Circles I, II, III and IV, New Delhi. 2. A-IV, A-IV(I), Districts, New Delhi. 3. B-V, B-V(I), B-IX, B-X, Addl. B-IX, B-XII, B-XII(I), B-XVIII B-XVIII(I), and Addl. B-XVIII Districts, New Delhi. 4. District VIII, Wards E and F, New Delhi. 5. District III, Ward M, New Delhi. 6. District IV, Ward C, New Delhi. 7. Dist. V, Wards A, A-I, B, New Delhi. 8. Income Tax <i>cum</i> Wealth Tax Circle XI, New Delhi.
E-Range, <sup>11</sup> New Delhi.	1. Income Tax <i>cum</i> Wealth Tax Circles VIII, IX and X, New Delhi. 2. A-I, A-I(I), A-II, A-III, Addl. A-III, Districts, New Delhi. 3. B-VIII, B-VIII(I), B-XI, B-XI(I) Districts, New Delhi. 4. District VIII, Wards A, B, B-Addl., New Delhi. 5. District III, Wards J, K, L and N, New Delhi.
F Range, New Delhi.	1. Special Circles I, II, III, IV, New Delhi. 2. Companies Circles I, III, IX, XIX, XX, XXII and XXI, New Delhi.
G Range, New Delhi.	1. B-XIII, B-XIII(I), B-XV, B-XV(I), B-XV(2) Districts, New Delhi. 2. Income Tax <i>cum</i> Wealth Tax Circle V, New Delhi. 3. District III, Ward G, New Delhi. 4. District IV, Wards A, B, D, New Delhi. 5. District V, Wards C, D, E, New Delhi. 6. District VIII, Ward D-I, New Delhi.

Ranges 1	Income-tax Circle, Wards & Districts 2
H Range, New Delhi.	<ol style="list-style-type: none"> <li>1. B-XVII, B-XVII(I), B-XVII(2), B-XVII(3) and B-XVII(4), New Delhi.</li> <li>2. Income Tax-<i>cum</i> Wealth Tax Circle, VI, New Delhi.</li> <li>3. District VI, Wards A, B, C, D, E, A(I), C(I), and C(I)-Addl. New Delhi.</li> <li>4. Special Assessment Circle V, VII, IX, and X, New Delhi.</li> </ol>
I Range, New Delhi.	<ol style="list-style-type: none"> <li>1. Income Tax-<i>cum</i> Estate Duty Circle, New Delhi.</li> <li>2. B-II, B-II(I), B-VII, B-VII(I) and Addl. B-VII Districts, New Delhi.</li> <li>3. C-I, C-I(I), C-II, C-III Districts, New Delhi.</li> <li>4. Foreign Section, New Delhi.</li> <li>5. District III, Wards B, C, I, P New Delhi.</li> <li>6. District I, Ward A, New Delhi.</li> <li>7. District VII, Wards A and B, New Delhi.</li> <li>8. District VIII, Wards C, D, A(I), A(II), A(III) and A(IV), New Delhi.</li> <li>9. District IX, Ward A, New Delhi.</li> </ol>
J Range, New Delhi.	<ol style="list-style-type: none"> <li>1. Central Circles II, III, IV, IX and X, New Delhi.</li> <li>2. B-XIV, B-XIV(I), B-XIV(2), New Delhi.</li> <li>3. District II, Wards A, B, C, D, A(I), C(I), C(I) Addl. and C(I) New Delhi.</li> </ol>
K Range, New Delhi.	<ol style="list-style-type: none"> <li>1. District V, Wards F, G, B(I), C(I), F(I), F(I) Addl. F(II), and F(III), New Delhi.</li> <li>2. B-XVI, B-XVI(I), B-XVI(II) Wards, New Delhi.</li> <li>3. All Government Salary Circles, New Delhi.</li> </ol>
L Range, New Delhi,	<ol style="list-style-type: none"> <li>1. District III, Wards E, F and H, New Delhi.</li> <li>2. All Private Salary Circles, New Delhi.</li> <li>3. B-IV, B-IV(I), B-VI and B-VI(I) Wards, New Delhi.</li> </ol>
M Range, New Delhi.	<ol style="list-style-type: none"> <li>1. Company Circles, II, V, VI, VIII, XI and XII, New Delhi.</li> </ol>

This notification shall take effect from 15th June, 1968.

Where an Income Tax Circle, Wards or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income Tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioners of Income Tax of the Range from whom that Income Tax Circle, Ward or District, part thereof is transferred shall, from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of Income Tax of the Range to whom the said Circle, Ward, District or Part thereof is transferred.

#### Explanatory Note

The amendments have become necessary on account of the creation of new Appellate Assistant Commissioners Range in the Commissioner's charge.

(The above note does not form part of the notification but is intended to be merely clarificatory).

[No. 51/F. No. 50/12/68-ITJ.]

S. V. SUBBA RAO, Under Secy.

**MINISTRY OF PETROLEUM AND CHEMICALS**  
(Department of Petroleum)

*New Delhi, the 12th June 1968*

**S.O. 2171.**—Whereas it appears to the Central Government that it is necessary in the public interest that for transportation of natural gas from Dullajan in the Jeypore and Kheromia Mouzas of Lakhimpur Distt. in the State of Assam to Naharkatiya in Assam State, pipelines should be laid by Assam Gas Company Limited and that for the purpose of laying such pipelines, it is necessary to acquire the Right of User in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user in the said land described in the Schedule annexed hereto.

3. Any person interested in the said land may, within Twenty One (21) days from the date of this notification, lodge objection, if any, to the laying of the pipelines under the said land to the Competent Authority at the office of the Deputy Commissioner, Dibrugarh, Lakhimpur District, Assam State. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

4. This notification supercedes the notification of the Central Government, issued under No. 28/1/68-IOC, dated New Delhi, the 16th January, 1968, published under S.O. 310 A in the Gazette of India dated January 20, 1968.

**SCHEDULE**

Mouza	Name of Village	Patta No.	Survey Plot No.	Extent Area		
				B	K	L
Kheromia	Salakataki No. 1	Annual 22 (new)	260	0	1	10
		Annual	298	0	2	0
		P. P. No. 52	229	0	1	8
		P. P. No. 42	230	0	3	10
		P. P. No. 49	226	0	4	0
		P. P. No. 57	233	0	1	8
		P. P. No. 18	243	1	3	10
		P. P. No. 16	257	0	3	10
		P. P. No. 16	378	0	3	10
		P. P. No. 12	267	1	1	10
		P. P. No. 18	270	0	3	10
		P. P. No. 42	384	0	0	10
	Jagun Pathar No. 1	Annual	49	0	3	15
		Annual	12	0	3	15
Jeypore	Hatigarh Block (NC)	Annual	52	0	1	17
Kheromia	Jagun Pathar No. 2	Annual	83	0	1	0
		P. P. No. 4	109	0	3	15
		Annual	25	0	2	0
		Annual	141	0	1	8
		Annual	37	0	3	0
		Annual	38	1	3	0
		P. P. No. 12	36	0	0	10
		Annual	51	1	4	0
		Annual	52	0	1	10
Jeypore	Timpling Bahdhari	P. P. No. 38	15	0	1	8
		P. P. No. 38	18	0	4	7
		P. P. No. 37	19	0	1	14
		P. P. No. 33	20	0	2	15
		P. P. No. 33	21	0	2	15
		P. P. No. 3	24	0	2	15
		P. P. No. 57	30	0	2	15
		Annual	372	1	0	10

New Delhi, the 13th June 1968.

**S.O. 2172.**—Whereas it appears to the Central Government that it is necessary in the Public Interest that for transport of Petroleum between Barauni Refinery in Bihar State and Kanpur in Uttar Pradesh State, Pipelines should be laid by the Indian Oil Corporation Ltd. and that for the purpose of laying such Pipelines it is necessary to acquire the Right of User in the land of Tahsil Chail, District Allahabad in Uttar Pradesh State described in the schedule annexed hereto.

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may within 21 days from the date of this notification, object to the laying of the Pipeline under the land to the Competent Authority at 22-Hamilton Road, Allahabad. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

#### SCHEDULE

State—Uttar Pradesh

Tahsil—Chail

District—Allahabad

Village	Survey No.	Extent
		B—B—B
Meerapur . . . . .	47	0 4 0

[No. 28(3)/68IOC(a).]

**S.O. 2173.**—Whereas it appears to the Central Government that it is necessary in the Public Interest that for transport of Petroleum between Barauni Refinery in Bihar State and Kanpur in Uttar Pradesh State, Pipelines should be laid by the Indian Oil Corporation Ltd. and that for the purpose of laying such Pipelines it is necessary to acquire the Right of User in the land of Tahsil Chail, District Allahabad in Uttar Pradesh State described in the schedule annexed hereto.

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may within 21 days from the date of this notification, object to the laying of the Pipeline under the land to the Competent Authority at 22-Hamilton Road, Allahabad. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

#### SCHEDULE

State—Uttar Pradesh

Tahsil—Chail

District—Allahabad

Village	Survey No.	Extent
		B—B—B
Wazirpur Maiku . . . . .	156	1 6 10

(No. 28(3)/68-IOC(b).)

R. N. CHOPRA, Under Secy.

**MINISTRY OF INDUSTRIAL DEVELOPMENT & COMPANY AFFAIRS****(Department of Industrial Development)***New Delhi the 10th June, 1968*

**S.O. 2174.**—The Expert Committee constituted vide the Ministry of Industrial Development and Company Affairs (Department of Industrial Development) Resolution No. 8(38)/Lic.Pol./67, dated the 22nd July, 1967 and designated as the 'Industrial Licensing Policy Inquiry Committee' vide their Notification of even number dated the 1st January, 1968 is now expected to finalise and submit its report to Government by the end of January, 1969. The tenure of the Committee is, therefore extended upto the 31st January, 1969.

[No. 8(38)/Lic.Pol./67.]

*New Delhi, the 11th June 1968*

**S.O. 2175/IDRA/29B/68.**—In exercise of the powers conferred by sub-section (1) of section 29B of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby exempts from the operation of sections 10, 11, 11A and 13 of the said Act and the rules made thereunder, all industrial undertakings pertaining to such of the industries specified in the First Schedule to the said Act as are mentioned below, namely:—

Any industry engaged in the manufacture or production of—

- (i) Steel ingots or billets by Concast plant falling under entry '(7) Other products of iron and steel' under the heading '1. Metallurgical Industries: A Ferrous'; and
- (ii) Barium Hydroxide, Barium Sulphide, Barium Poly-sulphide, Barium Monohydrate, Barium Acetate, Barium Peroxide and other Barium compounds and salts falling under entry '(1) Inorganic heavy chemicals' under the heading '19. Chemicals (Other than Fertilisers).'

[No. F. 6(1)/Lic.Pol./66.]

**ORDERS***New Delhi, the 11th June 1968*

**S.O. 2176/15/IDRA/68.**—Whereas the Central Government is of the opinion that there has been, or is likely to be, a substantial fall in the volume of production in respect of cotton textiles manufactured in the industrial undertaking known as the Himabhai Manufactured Co. Ltd., Ahmedabad, Gujarat State, for which, having regard to the economic conditions prevailing, there is no justification.

Now, therefore, in exercise of the powers conferred by Section 15 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints, for the purpose of making full and complete investigation into the circumstances of the case, a body of persons consisting of:

*Chairman*

1. Shri Jethalal C. Thakar, Superintendent. Calico Mills, Ahmedabad.

*Member*

2. Shri S. C. Bafna, Registrar of Companies, Company Law Board, "Everest".  
100, Marine Drive. Bombay.

*Member-Secretary*

3. Shri R. Seshadri, Inspecting Officer, Office of the Textile Commissioner,  
P.B. No. 10004, Bombay-1.

[No. 9(7)/Lic.Pol./68.]

**S.O. 2177/15/IDRA/68.**—Whereas the Central Government is of the opinion that there has been, or is likely to be, a substantial fall in the volume of production in respect of cotton textiles manufactured in industrial undertaking known as the Rajkot Spinning and Weaving Mills Ltd., Rajkot (Gujarat State) for which, having regard to the economic conditions prevailing, there is no justification;

Now, therefore, in exercise of the powers conferred by section 15 of the Industries (Development and Regulation) Act 1951 (65 of 1951), the Central Government hereby appoints, for the purpose of making full and complete investigation into the circumstances of the case, a body of persons consisting of:

**Chairman**

1. Shri C. H. Desai, C/o M/s. Arvind Mills, Ahmedabad-2.

**Member**

2. Shri S. C. Bafna, Registrar of Companies, "Everest". 100, Marine Drive, Bombay.

**Member-Secretary**

3. Shri Y. L. N. Achar, Deputy Director, Office of the Textile Commissioner, P.B. No. 10004, Bombay-1.

[No. 9(8)/Lic.Pol./68.]

R. C. SETHI, Under Secy.

**(Department of Industrial Development)**



**Indian Standards Institution)**



*New Delhi, the 6th June 1968*

**S.O.2178.**—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification) Rules, 1955 the Indian Standards Institution hereby notifies that the Standards Mark(s), design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified.

These Standard Mark(s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from the dates shown against each :

**THE SCHEDULE**

Sl. No.	Design of the Standard Mark	Product/Class of product	No. and Title of the Relevant Indian Standard	Verbal description of the design of the Standard Mark	Date of effect
1	2	3	4	5	6
1	IS: 419-1967 	Putty for use on window frames	IS:419-1967 Specification for putty for use on window frames	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	22 May 1968
2	IS: 1422 	Grey cotton duck	IS:1422-1954 Specification for cotton duck, scoured, dyed or waterproofed	The monogram of the Indian Standards Institution consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col (2), the number designation of the Indian Standard being superscribed on the top side and the words 'GREY' being subscribed under the bottom side of the monogram as indicated in the design.	1 May 1968

1	2	3	4	5	6
3	IS: 2659	Enamelled round copper wire for elevated temperature	IS:2659-1964 Specification for enamelled round copper wire for elevated temperatures	The monogram of the Indian Standards Institution, consisting of letters, 'ISI', drawn in the exact style and relative proportions as indicated in col (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	1 June 1968
					
4	IS : 2857	Dinnerware	IS:2857-1964 Specification for earthenware dinnerware	The monogram of the Indian Standards Institution, consisting of letters, 'ISI' drawn in the exact style and relative proportions as indicated in col (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	1 June 1968
					

[ No. CMD/13:9.]

**S.O. 2179.**—In exercise of the powers conferred on me under sub-regulation (4) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, modifications to the provisions of the Indian Standard, details of which are mentioned in the Schedule given hereafter, have tentatively been made with a view to expediting the use of the Standard Mark, without in any way affecting the quality of goods covered by the relevant standard :

## THE SCHEDULE

Sl. No.	No. and Title of Indian Standard, the provisions of which have been modified	Particulars of the existing provisions	Particulars of the modifications made to the provisions	Date from which the modifications shall come into force
1	2	3	4	5
	IS:2567-1963 Specification for Malathion Emulsifiable Concentrates	Clause A-3.3 relating to Ethyl Alcohol	Substitute the following for the existing clause: Clause A-3.3 - Ethyl-Alcohol anhydrous—Alternatively, methyl alcohol, anhydrous, may be used.	Immediate effect

[ No. CMD/13:4 ]

**S.O. 2180.**—In supersession of the then Ministry of Industry (Indian Standards Institution) notification No. S.O. 3059 dated 30 September 1966 published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated 15 October 1966, the Indian Standards Institution hereby notifies that the marking fee per unit for Welded low carbon steel gas cylinders has been revised. The revised rate of making fee, details of which are mentioned in the Schedule given hereafter, shall come into force with effect from 1 June 1968.

## THE SCHEDULE

S. No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking fee per unit
(1)	(2)	(3)	(4)	(5)
1	Welded low carbon steel gas cylinders for the storage and transportation of liquefied petroleum gases.	IS:3196-1965 Specification for Welded low carbon steel gas cylinders for the storage and transportation of liquefied petroleum gases.	One cylinder	50 paise per unit for the first 50,000 cylinders. 10 paise per unit for 50,000 1st to 1,00,000 cylinders and 20 paise per unit for above 1,00,000 cylinders.

[No. CMD/13:10]

**S. O. 2181.**—In pursuance of sub-rule (2) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, as amended in 1962, this Institution, hereby, notifies that the standard mark for putty for use on metal frames, covered by IS:420-1953 Indian Standard Specification for putty, for use on metal frames details of which were published in the Gazette of India, Part II, Section 3(ii) dated 24 October 1964 under number S.O. 3688 dated 8 October 1964 has been rescinded with effect from 22 May 1968.

[No. CMD/13:9]

**S.O. 2182.**—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee(s) per unit for various products details of which are given in the Schedule hereto annexed, have been determined and the fee(s) shall come into force with effect from the dates shown against each :

## THE SCHEDULE

Sl. No.	Product/Class of Products	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit	Date of effect
(1)	(2)	(3)	(4)	(5)	(6)
1.	Putty for use on window frames.	IS:419-1967 Specification for putty for use on window frames.	One kg.	0.5 paise	22 May 1968
2	Grey cotton duck.	IS:1422-1959 Specification for cotton duck, scoured, dyed or waterproofed.	One square metre	0.1 paise	1 May 1968
3	Enamelled round copper wire for elevated temperature.	IS:2659-1964 Specification for enamelled round copper wire for elevated temperature.	One tonne	Rs. 10.00 for the first 250 units. Rs. 5.00 for the next 500 units. Rs. 2.00 for the remaining units.	1 June 1968
4	Dinnerware	IS:2857-1964 Specification for earthenware dinnerware.	One tonne	50 Paise	1 June 1968

[No. CMD/13:16]

(DR.) A. N. GHOSH,  
Director General.

**(Department of Industrial Development)****Indian Standards Institution***New Delhi, the 10th June 1968*

**S.O. 2183.**—In licences Nos. CM/L-170 & 171 particulars of which were published under S.O. 1543 in the Gazette of India, Part II, Section 3(ii) dated 4th May 1968 the following new varieties have been added with effect from the dates noted against each:

- |             |   |                 |
|-------------|---|-----------------|
| 1. CM/L-170 | (i) Glucose                                 | } April 1968    |
|             | (ii) Nimki Bix                              |                 |
|             | (iii) Jeera Bix                             | } 11 April 1968 |
|             | (iv) Cheese and Onion Bix                   |                 |
| 2. CM/L-171 | 'Nimki Bix' with effect from 23 April 1968. |                 |

[No. CMD/55:170.]

**S.O. 2184.**—In licence No. CM/L-1514 particulars of which are published under S.O. 3733 in the Gazette of India, Part II, Section 3(ii) dated 4 October 1967, the following new brands of Biscuits have been added with effect from the dates noted against each:

- |                 |               |
|-----------------|---------------|
| (i) 200 logical | 23 April 1968 |
| (ii) Marie      | 13 May 1968   |

[No. CMD/55:1514.]

(Dr.) SADGOPAL,

Dy. Director General, ISI.

**MINISTRY OF HEALTH, FAMILY PLANNING & URBAN DEVELOPMENT****(Department of Health & Urban Development)***New Delhi, the 10th June 1968*

**S.O. 2185.**—Whereas the Central Government had proposed to make a modification in the master plan for Delhi as regards land on Rohtak Road, measuring about 100 acres and bounded by the railway line on the north, outer ring road on the east Rohtak Road on the south and extending on the west along Rohtak Road from the edge of the outer Ring Road upto a length of 3,964 ft. (average), and the proposed modification has been published as notice No. F.3(85)/67-M.P., dated the 6th April, 1968, as required by sub-section (3) of section 11A of the Delhi Development Act, 1967 (61 of 1957), for inviting objections and suggestions;

And whereas the Central Government, after considering the objections and suggestions received, has decided to make the said modification in the Master Plan for Delhi:

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 11A of the said Act, the Central Government hereby makes, with effect from the date of publication of the notification, the following modification in the Master Plan for Delhi, in respect of the said land, namely:—

The land use in respect of the said land be changed from "extensive industries" to "light industries".

[No. 21017(9)/67.U.D.]

K. M. L. GUPTA, Under Secy.

**(Department of Health)***New Delhi, the 11th June 1968.*

**S.O. 2186.**—Whereas the Indian Nursing Council has, by a resolution passed at a meeting held on the 24th October, 1967, in pursuance of the provisions of sub-sections (2) and (4) of section 10 of the Indian Nursing Council Act, 1947

(48 of 1947) declared that the qualifications specified therein shall be recognised qualifications for the purposes of the said Act;

And whereas the said resolution has been published in the Official Gazette with the notification of the Indian Nursing Council No. 11-1/65 INC, dated the 4th January, 1968, as required by sub-section (1) of section 15 of the said Act;

Now, therefore, in pursuance of the provisions of sub-section (2) of section 15 of the Indian Nursing Council Act, 1947 (48 of 1947), the Central Government hereby makes the following further amendments in the Schedule to the said Act so as to bring it in accord with the said declaration, namely :—

In the Schedule to the said Act, In Part-I under the heading "A General Nursing" for existing entry No. 42, the following entry shall be substituted namely :—

"42 The University of Indore (when issued on or after 1st April, 1965)".  
[No. F.24-6/68-MPT.]

**S.O. 2187.**—Whereas the Indian Nursing Council has, by a resolution passed at a meeting held on the 28th July, 1966, in pursuance of the provisions of sub-sections (2) and (4) of section 10 of the Indian Nursing Council Act, 1947 (No. 48 of 1947), declared that the qualifications specified therein shall be recognised qualifications for the purposes of the said Act;

And whereas the said resolution has been published in the Official Gazette with the notification of the Indian Nursing Council No. 11-1/68-INC, dated the 17th October, 1966, as required by sub-section (1) of section 15 of the said Act;

Now, therefore, in pursuance of the provisions of sub-section (2) of section 15 of the Indian Nursing Council Act, 1947 (48 of 1947), the Central Government hereby makes the following further amendments in the Schedule to the said Act so as to bring it in accord with the said declaration, namely :—

In the Schedule to the said Act,—

1. In Part 1,

(a) under the heading "A-General Nursing" after entry 42, the following entries shall be inserted, namely :—

"43. The Examining Board of the Nurses League of the Christian Medical Association of India (South India Branch) (when issued on or after the 28th October, 1965).

44. The Mid-India Board of Examiners of the Nurses League of the Christian Medical Association of India (when issued on or after the 1st January, 1966).

45. The University of Bombay (when issued on or after the 1st April, 1964).

46. The Rajasthan Nursing Council (when issued on or after the 1st April (1964)";

(b) under the heading "B-Midwifery", after entry 17, the following entries shall be inserted, namely :—

"18. The Examining Board of the Nurses League of the Christian Medical Association of India (South India Branch) (when issued on or after the 28th October, 1965).

19. The Mid-India Board of Examiners of the Nurses League of the Christian Medical Association of India (when issued on or after the 1st January, 1966).

20. The Rajasthan Nursing Council (when issued on or after the 1st April, 1964)";

(c) under the heading "C-Auxiliary Nursing-Midwifery", after entry 10, the following entries shall be inserted, namely :—

"11. The Examining Board of the Nurses League of the Christian Medical Association of India (South India Branch) (when issued on or after the 28th October, 1965).

12. The Mid-India Board of examiners of the Nurses League of the Christian Medical Association of India (when issued on or after the 1st January, 1966).

13. The Rajasthan Nursing Council (when issued on or after the 1st April, 1964)";

(d) under the heading "D-Health Visitors", after entry 21, the following entry shall be inserted, namely:—

"22. The Rajasthan Nursing Council (when issued on or after the 1st April, 1964)";

II. In Part II, after entry 18, the following entries shall be inserted, namely:—

- |   |   |  |
|---|---|--|
| <p>19. The Mid-India Board of Examiners of the Nurses League of the Christian Medical Association of India.</p> | <p>Diploma in Ward Sisters Course.<br/>Diploma in Sister Tutors Course.<br/>Diploma in Nursing Administration Course.<br/>Diploma in Public Health Nursing.</p> | <p>(When issued on or after the 1st January 1966).</p> |
| <p>20. The Director of Health and Medical Services (Health) Gujarat.</p>  | <p>Diploma in Public Health Nursing</p>   | <p>(when issued on or after the 18th May, 1964).</p>   |
| <p>21. The Mysore State Board of Examination for Post-Box Course in Nursing Education.</p>                      | <p>Diploma in Nursing Education</p>   | <p>(when issued on or after the 1st March, 1964)."</p> |

[No. F. 24-6/68-MPT]

#### ORDER

*New Delhi, the 12th June 1968.*

**S.O. 2188.**—Whereas the Government of India in the late Ministry of Health has, by notification No. 16-15/61-MI, dated the 27th March, 1962, made, in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification "Licenciado en Medicina Cirugía" granted by the University of Valencia (Spain) for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies a further period of two years with effect from the 1st December, 1967 or so long as Dr. Angeles Ercilla Vizcarra who possesses the said qualification, continues to work in the Nagaveth Hospital, Laftumkhrak, Shillong to which she is attached for the time being for the purposes of teaching research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Angeles Ercilla Vizcarra shall be limited provided that the said doctor continues to be enrolled as a medical practitioner for the said period in accordance with the law regulating the registration of medical practitioners in her country.

[No. F. 19-17/68-MPT]

L. K. MURTHY, Under Secy.

(Department of Health and U. D.)

*New Delhi, the 13th June 1968.*

**S.O. 2189.**—In pursuance of clause (e) of Section 5 of the Post-graduate Institute of Medical Education and Research, Chandigarh Act, 1966 (51 of 1966), the Central Government hereby nominates Shri Paramjit Singh, Secretary to the Government of Punjab, Medical and Health Department, as a member of the Post-graduate Institute of Medical Education and Research, Chandigarh vice Smt Sarla Grewal, resigned

[No. F. 1-9/68-ME(PG).]

B. S. SINGH, Dy. Secy.

**MINISTRY OF TOURISM AND CIVIL AVIATION***New Delhi, the 11th June 1968*

**S.O. 2190.**—In exercise of the powers conferred by sub-section (1) of section 41 of the Air Corporations Act, 1953 (27 of 1953), the Central Government, in consultation with Air-India, hereby appoints Shrimati Yashoda Reddy, Member, **Rajya Sabha**, as a Member of the Advisory Committee of Air-India vice Dr. Dharam Prakash and makes the following further amendment in the notification of the Government of India in the Ministry of Tourism and Civil Aviation No. 20-AC(14)/67, dated the 2nd February, 1968, namely:—

In the said notification, for item 4, the following item shall be substituted, namely:—

“4. Shrimati Yashoda Reddy, M.P.”

[No. 20-AC(14)/67.]

T. ARUMUGHAM, Dy. Secy.

**COLLECTORATE OF CENTRAL EXCISE, WEST BENGAL, CALCUTTA****CENTRAL EXCISE***Calcutta, the 4th May 1968*

**S.O. 2191.**—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944, I hereby empower the Central Excise Officer not below the rank of Assistant Collector of Central Excise to exercise within their respective jurisdiction the powers of the “Collector” under sub-rule (1) of Rule 52A of the Central Excise Rules, 1944 in respect of the excisable goods notified under Rule 173A of Central Excise Rules, 1944.

[No. 2/1968.]

D. R. KOHLI, Collector.

**CUSTOMS AND CENTRAL EXCISE COLLECTORATE, COCHIN****CENTRAL EXCISE***Cochin, the 22nd May 1968*

**S.O. 2192.**—In exercise of the powers conferred on me under Rule 233 of the Central Excise Rules, 1944 I, Collector of Customs and Central Excise, Cochin, hereby require the manufacturers of Wireless Receiving Sets to maintain a Chassis Register in the following form:

Chassis Serial Number	Model to which assigned	Date of com- mencement of wiring of Chassis	Date of completion of wiring of the Chassis	Date of final tuning and testing	Date of clear- ance of set from factory
1	2	3	4	5	6

2. The date on which the set was finally tested should be the date on which the set is entered in R.G. 1.

[No. 2/68.]

## CUSTOMS

Cochin, the 31st May 1968

**S.O. 2193.**—In exercise of the powers conferred under the provisions of clauses (i) and (ii) of para 3 of Government of India, Ministry of Finance (Department of Revenue & Insurance) Notification No. III dated the 8th June, 1966, the Collector of Customs & Central Excise, Cochin as Chief Customs Officer in respect of the outports in the jurisdiction of the Collectorate of Customs & Central Excise, Cochin, prescribes a fee of Re. 1/- (Rupee One only) as handling charges per package detained or seized etc. from baggage and released from the Customs warehouse premises later.

2. In respect of baggage arriving by air, a fee of 25 paise as handling charges shall be collected on each package cleared from the Custom House.

3. In addition to the handling charges, warehouse rent at the rates prescribed in the Schedule annexed hereto shall be recoverable.

(i) Goods shall be rent free for seven working days including the date of receipt thereof.

(ii) Any day on which the Custom House Treasury is closed or not opened during the full normal working hours, shall not be considered as a working day.

(iii) Any day or days by which owing to congestion of business in the Custom House or other sufficient cause (to be certified by an Assistant Collector) the free days allowed by Rule (i) above are exceeded, shall be added to the free days allowed by that rule.

(iv) On and after the expiration of the free days allowed by these rules, rent shall be charged in respect of all goods deposited in the Custom House including the baggage detained pending customs formalities or kept at the passenger's request in accordance with the rates prescribed in the Schedule.

(v) In respect of seized goods a free period of 7 days will be allowed from the date of confiscation, in case the goods are allowed clearance for home consumption on payment of fine in lieu of or from the date of order of release of the goods in case it is established that such goods are not of the offending category. Thereafter, rent shall be charged on the goods, if not cleared, at the prescribed rates.

(vi) The charges hereby prescribed do not apply to bonded goods in the private warehouses.

The provisions of this Notification will come into force from 1-6-1968 and the Notifications already issued in respect of warehouse rent would be superseded by this Notification.

## SCHEDULE

Sl. No.	Description of goods	Free period	Rate for 1st 15 days after free period	Rate for periods thereafter
(1)	(2)	(3)	(4)	(5)
<i>A—Baggage</i>				
1	All goods other than valuables, arms and ammunition, motor cars and motor cycles . . .	7 days	15 paise per day per Pkg.	30 paise per day per pkg.
2	Arms & ammunition and valuables like watches, jewellery, diamonds etc.	7 days	25 paise per day per Pkg.	50 paise per day per pkg.
<i>B—Goods Other Than Baggage</i>				
1	All goods other than valuables, arms and ammunition, motor cars and motor cycles . . .	7 days	25 paise per day per pkg.	50 paise per day per pkg.

(1)	(2)	(3)	(4)	(5)
2	Arms & ammunition and valuable like jewellery, watches, diamonds etc.	7 days	40 paise per day per pkg.	80 paise per day per pkg.
<i>C—Motor Cars and Motor Cycles as Baggage or Otherwise</i>				
1	Motor cars and motor cycles including Scooters.	7 days	Rs.1/- per day per vehicle	Rs.2/- per day per vehicle.

[No. 1/68-Cus.]

D. N. KOHLI, Collector.

## CENTRAL EXCISE COLLECTORATE, HYDERABAD

### CENTRAL EXCISE

Hyderabad, the 13th June 1968

**S.O. 2194.**—In exercise of the powers conferred on me by Rule 5 of the Central Excise Rules, 1944 I hereby empower the Central Excise Officers specified in Column 3 of the Table hereto annexed to exercise within their respective jurisdiction the power of a Collector under the provisions of the said Rule shown against each officer in Column 2 of the Table, subject to the restrictions and limitations set out in column 4 thereof.

TABLE

Sl. No.	Central Excise Rule No.	Collector's powers delegated to officers not below the rank of	Restrictions and limitations, if any	Remarks
1	2	3	4	5
			Where the duty involved in each case does not exceed	
			Rs.	
1.	191-B(5)	1. Deputy Collector	10,000	
		2. Assistant Collectors	1,000	
		3. Superintendents	250	

[No. 3/68]

M. L. ROUTH,  
Collector of Central Excise, Hyderabad

## MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 29th May 1968

**S.O. 2195.**—In exercise of the powers conferred by Sub-section (2) of section 6 of the Cinematograph Act 1952, the Central Government has been pleased to appoint Shri Madan Gopal, Deputy Principal Information Officer, Calcutta, to hold charge of the post of Regional Officer, Central Board of Film Censors, Calcutta, in addition to his own duties in an officiating capacity with effect from the afternoon of 16th May, 1968, until further orders.

[No. F. 2/48/68-FC.]

H. B. KANSAL, Under Secy.

## सूचना तथा प्रसारण मंत्रालय

नई दिल्ली, 22 जून, 1968

एस० ओ० 2196.—मिनेमटीग्राफ अधिनियम 1952 के खण्ड 5, उपखण्ड (2) के द्वारा प्रदत्त अधिकारों के अनुसार केन्द्रीय सरकार ने कलकत्ता में उप मुख्य सूचना अधिकारी, श्री मदन गोपाल को 10 मई, 1968 से, प्रान्ते प्रादेश तक, आने कायों के अतिरिक्त स्थानागन्त रूप से प्रादेशिक अधिकारी, केन्द्रीय फिल्म सेंसर बोर्ड, कलकत्ता के पद पर भी नियुक्त किया है।

[सं० 2/48/68-एफ०सी०]

हरि बाबू कंसल, अवर सचिव।

### MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 11th June 1968

**S.O. 2197.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Damodar Valley Corporation's Bermo Colliery, Post Office Bermo, District Hazaribagh and their workmen, which was received by the Central Government on the 6th June, 1968.

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Dated 24th May, 1968

#### PRESENT:

Sri G. C. Agarwala—Presiding Officer

CASE REF. No. CGIT/LC(R)(67)/1967 (JABALPUR)

CASE REF. No. CGIT—134 OF 1967 (DHANBAD)

#### PARTIES:

Employers in relation to The Damodar Valley Corporation's Bermo Colliery,  
Post Office Bermo, District Hazaribagh

AND

Its workmen represented through the D.V.C. Staff Association, Unit: D.V.C.  
Bermo Colliery, P.O. Bermo, Distt. Hazaribagh.

#### APPEARANCES:

For Corporation.—Sri S. S. Rao, Coal Supdt. & Agent.

For Association, workmen.—S/Sri B. K. Prasad, P. G. Guha and S. R. Sen-  
gupta, General Secretary of the Association

INDUSTRY: Coal Mine.

DISTRICT: Hazaribagh (Bihar).

#### ORDER

The Ministry of Labour and Employment by Notification No. 2/83/64/LRII dated 7th December 1964 referred the following disputes as stated in the schedule to the order of reference to Central Government Industrial Tribunal, Dhanbad, from where it was transferred to this Tribunal by Notification No. 8/25/67-LRII dated April 25, 1967:—

#### Disputes

1. Whether the Miners' Sirdars of the Damodar Valley Corporation's Bermo Colliery, Post Office Bermo (District Hazaribagh) whose names are given in the Annexure are workmen as defined in clause (s) of section 2 of the Industrial Disputes Act, 1947.

2. If they are workmen, whether the management of the said Colliery, are justified in not paying or in stopping Sirdari Commission to the Miners' Sirdars whose names are given in Annexure for the respective periods shown against each of them?

If not, to what relief are they or any of them entitled?

#### THE ANNEXURE

Serial No.	Names of Miner's Sirdar	Period for which Sirdari Commission not paid	Date from which Sirdari Commission was stopped
1	Sri Trilochan . . .	29-10-62 to 8-4-63	Period Commencing from 9-4-63
2	" Pukhram . . .	Do.	Do.
3	" Naryan . . .	Do.	Do.
4	" Jagdish . . .	Do.	Do.
5	" Ramlal . . .	Do.	Do.
6	" Kaloo . . .	Do.	Do.
7	" Bhupal . . .	Do.	Do.
8	" Sadh Ram . . .	Do.	Do.
9	" Senai . . .	Do.	Do.
10	" Sheo Shankar . . .	Do.	Do.
11	" Deo Ram . . .	Do.	Do.
12	" Doni Ram . . .	Do.	Do.
13	" Raghubar . . .	Do.	Do.
14	" Mahabir . . .	Do.	Do.
15	" Pokhram . . .	Do.	Do.
16	" Rajuam . . .	Do.	Do.
17	" Chandardeo . . .	29-10-62 to 17-4-63	18-4-63
18	" Tejoo Ram . . .	Do.	Do.
19	" Radhi Mohan . . .	Do.	Do.
20	" Ram Prasad . . .	Do.	Do.
21	" Gourti . . .	Do.	Do.

2. The dispute was raised by D.V.C. Staff Association which filed a written statement of claim before the Dhanbad Tribunal. The employers, namely the D.V.C. Mines at Bermo (Damodar Valley Corporation's Colliery at Bermo) also filed the written statement before the said Tribunal. This was a written statement-cum-rejoinder to the written statement filed by the Union. No rejoinder was filed by the Union.

3. It is necessary to give some background of the dispute. The Damodar Valley Corporation a statutory body, has a Colliery known as Bermo Colliery. The raising work of the colliery was rendered by contract system and one Sri N. P. Singh was the Raising Contractor. For abolition of the contract system in consequence of recommendation of Dave Court of Enquiry a recognised Union, Colliery Mazdoor Sangh gave a call for strike and there was a strike affected from 29th September, 1962. The strike was called off by reason of an agreement reached on 24th October, 1962 between the Corporation and the Colliery Mazdoor Sangh. to be hereinafter called the Sangh. It was agreed that the contract system would be abolished with effect from 29th October, 1962 and all workers of the contractor would be employed by the Corporation on the then existing terms. On the same date, another agreement was also entered into between the Corporation and the contractor that the workers would be employed by the Corporation. There was no specific mention in either of the two settlements about these miners sirdars. It appears that the contractor had recruited labour, mostly Bilaspuri labour, through certain persons, some of whom were already employed elsewhere and sirdari commission was being paid on the output of the labour recruited through them. With the abolition of the contract system, a question arose as to what would happen to these persons who were known as miners sirdars and about their commission. Colliery Mazdoor Sangh and the Corporation entered into another agreement on 6th April 1963 that for the miners sirdari system, the Corporation would employ one or two persons depending on the strength of the labour supplied by each, either themselves or their near relations and nominees, as miners. In consequence of this, the Corporation issued two notices, one dated 9th April 1963 offering employment to 16 out

of 21 miner-sirdars covered by the reference, or to their near dependants, the number varying either one or two according to the strength of the labour recruited through each. Another notice dated 18th April 1963 was similarly issued for remaining five miner-sirdars. The D.V.C. Staff Association, to be hereinafter called the Association, was dissatisfied by the subsequent settlement reached by the Colliery Mazdoor Sangh and approached the management that the sirdari commission should be secured. The management was not agreeable to meet the demand. The matter was taken up in conciliation which in due course resulted in this reference.

4. When the case came up for first hearing on 16th June 1967, certain additional issues were framed which need not be reproduced as except for one preliminary objection that the D.V.C. Staff Association was not competent to raise the dispute and the dispute was not an industrial dispute, the other issues dealt with matters which have relevance only to the second issue under reference in case miner-sirdars are found to be workmen as defined by Sec. 2(s) of the I.D. Act, a point which is specifically covered under Issue No. 1 of the reference. On the next hearing rendered on 24th July 1967, the parties took time for settlement. It was, however, found that on merits of the dispute both parties had taken their stand on the settlement reached by the Corporation with the Colliery Mazdoor Sangh. As a matter of fact, the sponsoring Union, the D.V.C. Staff Association, had also relied on settlement dated 24th October 1963 entered into by the Corporation and the Colliery Mazdoor Sangh by reason of which it was contended that the miner-sirdars were covered by the agreement as workers of the contractor. Consequently, it was considered desirable to implead Colliery Mazdoor Sangh as a party to the dispute and it was so ordered under Sec. 18(3) of I.D. Act. The Colliery Mazdoor Sangh filed a written statement on 18th October 1967. This Union, the Sangh, challenged the capacity of D.V.C. Staff Association to sponsor the dispute and maintained that the settlement reached by the Sangh with the Corporation was just and proper. In other words, it supported the stand taken by the management of the Corporation. Evidence was, thereafter recorded on the hearing rendered on 12th April 1968 at camp Allahabad when four witnesses were examined by the Corporation and affidavits were filed to prove the documents. The Association examined one witness, Sri Ram Prasad Singh as W.W. 1. Certain documents were also filed by the Association which were proved by affidavit. To rebut these documents, the Corporation examined three more witnesses on the next hearing rendered on 10th May 1968 at Dhanbad whereafter arguments were heard. Written arguments were also sent by the parties.

5. For the first issue under reference, it is manifest that the Tribunal will have jurisdiction only if the persons mentioned in the annexure and termed as miner-sirdars are workmen as defined by Cl(s) of Sec. 2 I.D. Act. In case, they are not workmen, the second issue will not arise for consideration as the dispute would not be an industrial dispute and the Tribunal will have no jurisdiction to go into the merits of the controversy. Linked with this is another question about the competency of the Union, the D.V.C. Staff Association. If this Union was not competent to raise and sponsor the dispute, there would be no industrial dispute and the Tribunal will have no jurisdiction. On both these grounds, however, I have come to the conclusion that neither the miner-sirdars are workmen as defined in Sec. 2(s) of I.D. Act nor was the D.V.C. Staff Association competent to raise and sponsor the dispute. For both these reasons, therefore, the second issue under reference cannot be adjudicated.

6. Taking up the first issue, the question whether these miner-sirdars are "workmen" is a mixed question of law and fact. Sec. 2(s) is defined as follows:—

"workman" means any person (including an apprentice) employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—

- (i) who is subject to the Army Act, 1950, or the Air Force Act, 1950, or the Navy (Discipline) Act, 1934; or
- (ii) who is employed in the police service or as an officer or other employee of a prison; or
- (iii) who is employed mainly in a managerial or administrative capacity; or

- (iv) who, being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature".

With the above definition, it follows that before a person can be termed as workman (1) he must be employed (2) to do any skilled or unskilled, manual, supervisory, technical or clerical work for hire or reward. The question, therefore, is whether these miners-sirdars were actually employed for doing any supervisory work as has been claimed on their behalf by the Association. The facts which are established from the evidence are that they did not attend the mine to supervise the work of the labour who may have been recruited through them or through their predecessors or representatives. Sri S. S. Rao, Superintendent and Agent produced the statutory attendance registers for the years 1960, 1961 and 1962. He filed an affidavit that in none of them there was any attendance marked at any place of any of these persons. He also produced the Bonus Registers for the years 1961 and 1962. There was no attendance mentioned in the Bonus Registers also. The Association was given an opportunity to examine these registers and to file a counter affidavit, if any, but none was filed by the Association. The fact, therefore, remained that their attendance was not noted either in the attendance or in the Bonus Registers. These registers numbered as many as 152 and are statutorily required to be maintained under Sec. 48 of the Mines Act. It therefore, follows that the miner-sirdars were in name only and had not been even attending the mine, much less doing any supervisory work. For entitlement of bonus and to become members of Coal Mines Provident Fund, certain attendance is necessary. The Corporation produced eight Bonus Registers for the years 1961 and 1962 but in none of them there is mention of attendance of any of these persons. It was admitted by the solitary witness of the Association Sri Ram Prasad Singh (W.W. 1) who claimed to be one of the miner-sirdars that he received no quarterly attendance bonus. His evidence would be considered at the proper stage and suffice shall it be to state the fact here that no attendance bonus was claimed or paid to miner-sirdars and is an admitted position. There is overwhelming evidence which has been tendered by the Corporation that these mining sirdars did not work whatsoever. Some of them were either employed elsewhere or were miners and one of them is dead. They were thus in name only as miners-sirdars and sirdari commission was being claimed merely for the name. During the time of Sri N. P. Singh, Ex-coal Raising Contractor, Sri Mukund Lal Chanchani was the Agent *cum* Manager of the Colliery. He was incharge of all the operational and maintenance work and has given a positive evidence that he did not find any of these miner-sirdars either working on the mine or supervising the work of the miners. The supervision work was rendered by statutory qualified mining Sirdars and not these persons who are termed as miner-sirdars. Sri Banwari Lal Panik who was an Asstt. Mines Manager of the Corporation since November, 1960 stated that he practically visited all the working places every day and never found any of these miner-sirdars in attendance or doing any work of supervision or otherwise. The Time Keeper of the Colliery, Sri S. F. Francis, who is in employment since 1953 has given a categorical statement that none of these persons ever came for work or asked for attendance. He made enquiries and compiled a statement which has been exhibited as Ex. E.1 and which has been proved by him. In this statement, the position of each miner sirdars is recorded. It would appear that Serial Nos. 1 to 4, Trilochan, Kalloo, Ramlall and Pukh Ram are employed as Miners in N.C.D.C. Colliery of Kargali. The fact is supported by the evidence of Suraj Nath Singh (E.W. 5) Vice President of Colliery Mazdoor Sangh, who brought Membership Register and Counterfool receipts from 1963 to 1967 which proved that these persons are still members of this Union, Colliery Mazdoor Sangh, and of the Kargali Branch. Sl. No. 5, Sadh Ram, is reported to be dead about 8 years ago. Sl. No. 6, Deo Ram, is minor of 1 or 13 years of age and so is Raghuvar, Sl. No. 7. Serials No. 8 & 9 Mahabir and Sheo Shankar are also minors and students in school. Sl. No. 12 Gouri is a girl of about 12 years of age. Tejoo Ram of Sl. 11 is a shop keeper. For Sl. No. 12, Chandradeo, his whereabouts are not known and perhaps no such person existed and was a fictitious name. For Sl. No. 13, 14 & 15, Ram Prasad, Narayan and Jagdish there was no information. Sl. No. 16, Bhupal is again a boy of 15 or 16 years of age. Sl. No. 17 Sonai is a woman and is working as a labourer in D.V.C. Mines. She has intimated by a communication that she is not interested in the dispute and never authorised the Association to sponsor her case. A similar communication was received on behalf of Deo Ram, Sl. No. 6 referred to above. Serials No. 18 and 19, Doni Ram and Rekh Ram, are boys. For Sl. No. 20, Baijnath, there was no information and Sl. No. 21, Radhamohan, it was recorded that he was a civil contractor. According to the evidence of Sri Francis, he compiled these informations on enquiries made at the labour colony and the Office of the N.C.D.C.

—Time Office. In cross-examination he further stated that he contacted persons and verified the facts. It is significant to note that this statement was filed by the Corporation at the hearing rendered on 21st February 1968. Evidence was recorded on 12th April 1968 and no attempt was made by the Association to produce a single person out of these 21 concerned persons to repudiate and controvert the assertion. There is, therefore, no reason to doubt the correctness of the statement furnished about each of these persons as incorporated in this statement. Sri Uma Shankar Tiwari (E.W. 4) was a member of the Supervisory Staff of the Contractor and was taken over by the D.V.C. on abolition of the contract system. He is an old worker since 1953. He also deposed that none of these so called miner-sirdars ever attended the mines or did any supervisory work. It is pertinent to note that this witness was not at all cross-examined and his statement remained unchallenged. As against this evidence of the Corporation, there is hardly any evidence worth the name produced by the Association. The only witness examined was Sri Ram Prasad Singh who claimed to be one of the miner-sirdars. In the annexure to the order of reference, there is no Ram Prasad Singh. There is, however, one Ram Prasad at Sl. No. 20. The identity of this man as miners-sirdar covered by the reference is exceedingly doubtful. His evidence is palpably false when he stated that his attendance was noted in the Time Office. He could not give the number of workers under him. He claimed to be residing in the labour quarter and a few documents filed by him show that he was given treatment in the Colliery Hospital and so his wife. This hardly proves the fact that he had been doing any supervisory work. A few documents were filed by the Association to show that during the time of the Raising Contractor, some notices were issued to these Sirdars when there was lapses on the part of their labour. This hardly proves anything of consequence. Notice dated 24th January 1960 to Dalloo only mentioned the description as under Bhupal Sardar himself. The only notice which relates to Bhupal is dated 10th January 1960 wherein it is stated that one Purain Coal Loader who was on maternity leave had not rejoined and to show cause why sirdarship be not cancelled. This only shows that certain workers recruited through him had absented and therefore he would not be entitled to commission. There is a notice against these miner-sirdars requiring the materials issued to the labourers under their sirdari to be returned back on abolition of the contract and some of them refused to accept the notices. None of these documents, therefore, established any factual supervision on the part of any of the persons mentioned in the annexure as mining sirdars. Most of them were fictitious and commission was being paid in their name for having supplied labour by someone else.

7. The Association has relied on Bhagaband Colliery V. Their Workmen, 1962 (2) I.L.J. p. 356 in which the Hon'ble Supreme Court held that miners sirdars who were doing supervisory work were workmen and the sirdari commission earned were wages. That was a case where factually it had been established that the miners sirdars were employees of the company holding different posts as clerks and switchboard attendants. Outside their regular hours of work, they used to do supervisory work with respect to the labour force supplied by each of them. The Hon'ble Supreme Court found from the facts of the case that the company recognised them as its employees even with respect to the supervisory work rendered by them factually and not as independent contractors. The Company had exercised control over the supervisory work actually performed by these men in the mines and treated them as employees by the company. The facts are, therefore, clearly different and distinguishable. In the instant case, most of the persons are fictitious and sirdari commission was being paid in return of labour supplied by someone in their names. It was by a way of reward or customary allowance for services which may have been rendered in the past. It is pertinent to note in this connection that the Colliery Mazdoor Sangh which actually was concerned in the abolition of the contract system and took up the cause of the miner-sirdars subsequently so as to secure advantageous terms of employment of one or two substitutes, conceded in the agreement with the Corporation dated 6th April, 1963 that the miner sirdars were not doing any supervisory work and could not be classed as "workmen". Had it been otherwise, Colliery Mazdoor Sangh would not have conceded that position. It is, therefore, clear that the so called miners sirdars mentioned in the annexure were neither factually rendering work either supervisory or otherwise and were not employed in the colliery so as to be covered by the definition of the workmen under Sec. 2(s) of I.D. Act. The first issue under reference is, therefore, answered in the negative. When the so called miners' sirdars are not workmen under Sec. 2(s) I.D. Act, there can be no industrial dispute to as to confer jurisdiction to this Tribunal. Further the D.V.C. Staff Association has not been shown to be competent to raise the dispute. The Corporation in the written statement had challenged the capacity of the D.V.C. Staff Association to raise the dispute. This was as far back as April, 1965. In spite of this, no attempt was made by the Association to show

that it could raise and sponsor the dispute, As the name of the Association itself shows, it is a Union of the members of the staff of D.V.C. and membership should be limited to members of the staff of the Corporation and not to the field staff and miner-sirdars. The Constitution of the Association has not been filed so as to show that the so called miners' sirdars could also become members of the Association. On the other hand, there is positive evidence of Sri Suraj Nath Singh (E.W 5) Vice President of Colliery Mazdoor Sangh that at least four persons namely Trilochan, Kaloo, Pukram and Ram Lal still continue to be members of his Union, Colliery Mazdoor Sangh. No attempt whatsoever was made to prove membership of any of the persons mentioned in the annexure. That being so, the D.V.C. Staff Association was not competent to raise and sponsor the dispute, principally so, when the recognised and representative Union, Colliery Mazdoor Sangh, had already made a settlement about the question with the management. From either aspect of the matter, the dispute is not an industrial dispute and this Tribunal has no jurisdiction. No order for costs.

(Sd.) G. C. AGARWALA,  
Presiding Officer.

24-5-1968.

[No. 2/83/64-LRII.]

*New Delhi the 12th June 1968*

**S.O. 2198.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Ganhoodih Colliery, Post Office Jharia, District Dhanbad and their workmen, which was received by the Central Government on the 7th June, 1968.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
JABALPUR.**

*Dated the 25th May, 1968.*

**PRESENT:**

Sri G. C. Agarwala, Presiding Officer.

CASE REFERENCE NO. CGIT/LC(R) (101)/67 (JABALPUR)  
CASE REFERENCE NO. 74 OF 1964 (DHANBAD)

**PARTIES:**

Employers in relation to the Ganhoodih Colliery, Post Office, Jharia, District Dhanbad (Bihar).

**Vs.**

Their workmen represented through the Secretary, Colliery Mazdoor Sangh, Dhanbad (Bihar).

**APPEARANCES:**

*For employers.*—Shri D. P. Dabral, Group Personnel Officer

*For workmen.*—Sri B. K. Lathe, Vice President of the Union.

**INDUSTRY:** Coal Mines.

**DISTRICT:** Dhanbad (Bihar).

**AWARD**

The Ministry of Labour and Employment, Government of India, referred the following matter of dispute as stated in the schedule to the order of reference to Central Government Industrial Tribunal, Dhanbad, by Government Notification. No. 1/29/63-LRII dated 24-6-1964, for adjudication. The case was subsequently

transferred to this Tribunal by Notification No. 8/25/67-LRII dated April 25, 1967:—

### Matter of Dispute

Whether the management of the Ganhoodih Colliery Post Office, Jharla, District Dhanbad, was justified in dismissing the following ten workmen with effect from the 4th November, 1963; if not, to what relief are the workmen entitled?

1. Shri Balchand Nonla
2. Shri Sunder Kurmi.
3. Shri Faguni Mochi
4. Shri Hari Mochi.
5. Shri Banshi Chamar
6. Shri Ram Roop Jaiswara.
7. Shri Puthi Kumbhar
8. Shri Md. Rafiq Khan.
9. Shri Sakaldeep Harizan
10. Shri Ballraj Harizan.

2. The dispute was originally sponsored by the Colliery Mazdoor Sangh. The statement of claim was also filed by the said Union before the Dhanbad Tribunal. The employers also filed their written statement before the said Tribunal. Later on, another Union, Khan Mazdoor Congress, took the dispute and made appearance before this Tribunal when the case was taken up for the first time for preliminary hearing on 21-6-67. The rejoinder to the statement of the employers was filed by this Union. This Union continued to represent and Colliery Mazdoor Sangh ceased to take interest in the dispute.

3. The ten concerned workmen of the Colliery were chargesheeted for an incident dated 15-9-63 in which the Labour Welfare Officer of the Colliery, Shri D. P. Pande and the driver of a Station Wagon of the Colliery, Sri Hari Lal Mistry, were assaulted and beaten. The case of the management was that there was a Kali Puja function organised on behalf of the workers in Incline No. 10. The Labour Welfare Officer was looking after the function on behalf of the management. At about 12.15 P. M. he started in the Station Wagon of the Colliery No. BRR-7441, which was driven by Sri Hari Lal Mistry. In the middle seat was one Sri Chandradeep Singh alias Pahari Babu; in the back seat was another Driver, Sri Parmeshwar Pandey, alias Lallan Pandey. The Labour Welfare Officer was taking the Station Wagon to the office building of the Collieries to bring some durries etc. When the Station Wagon reached near the railway crossing of Mohriband gate, a crowd of 60 to 70 persons armed with lathis and spears was detected. The driver felt nervous and looked askance but was directed by Sri Pahari Babu to go ahead. After the vehicle had crossed the railway crossing, the crowd came in front of the Station Wagon, stopped it, and the driver could not succeed steering through the crowd. The driver was belaboured with lathis. There was a shower of lathis on the Station Wagon which was damaged. The Labour Welfare Officer was similarly beaten. After the crowd had left, the other driver who was on the back seat drove the vehicle to Police Station, Jharla where a report was lodged at about 12.30 P. M. Both the Labour Welfare Officer and the Driver were first sent to Jaharia Dispensary for first aid and then to Civil Hospital for medical examination of their injuries. According to the management, the ten (10) concerned workmen who were employees of the Colliery besides other who were outsiders were members of this unlawful assembly. The management, therefore, charge-sheeted these 10 concerned workmen by means of a charge-sheet dated 16th September, 1963 and suspended them. Seven out of them sent explanations (Ex. E/22) on 19th September, 1963 denying no knowledge and participation. To the similar effect a separate reply was sent by Sri Ram Sunder and Sri Balchand Nonla by means of Ex. E/43. No explanation was sent by Sri Ram Roop Jaiswara but he attended the enquiry. The enquiry was conducted by Sri D. P. Dabral, Group Personnel Officer, on 27th September 1963. Before the Enquiry Officer, the Labour Welfare Officer, Sri D. P. Pandey, was examined and he was cross-examined a little by Sri Puthi Kumbhar. Sri Hari Lal Mistry, Lallan Pandey and Chandradeep Singh alias Pahari Babu were also examined but there was no cross-examination. The statements of the charge-sheeted persons were then recorded. The Enquiring Officer then recorded a finding on 7-10-63 finding the charge-proved against all and in consequence of which

the management dismissed all the ten giving rise to this dispute. It may be mentioned that although the order of dismissal was dated 4th December, 1963 yet a retrospective order of dismissal was passed from the date of suspension which was 16-9-63. The Colliery Mazdoor Sangh took up the dispute. As a matter of fact, as the conciliation failure report shows there was a strike notice given for seven demands, one of which related to the reinstatement of these workmen. Other demands were conciliated and settled but since no settlement was reached in respect of this matter, it resulted in this reference.

4. The dismissal is challenged on behalf of the workmen on the ground that the enquiry was perfunctory and violated principle of natural justice. The Enquiry Officer was biased who did not allow the charge-sheeted workmen to cross-examine the management's witnesses. As a matter of fact, it was rather contended that the witnesses were not examined in presence of the charge-sheeted persons. It was also stated that the alleged misconduct was not covered by the Standing Orders and none of these charge-sheeted workmen were concerned and involved in the incident. They have been dismissed with a view to victimise them as they were being pressed to give up membership of Colliery Mazdoor Sangh to which they were not agreeable. It was also stated that the order of dismissal with retrospective effect was bad and illegal.

5. The management challenged the reference on the ground that the dispute is not an industrial dispute having not been supported by a majority of the workmen or the recognised union. On merits, it was pleaded that a bonafide and fair enquiry was held and full opportunity was given to the charge-sheeted workmen. The finding of the Enquiring Officer was based on evidence produced before him and since the misconduct was grave and serious these concerned workmen were dismissed by the management. All of them had participated in the riot. The allegation of victimisation was denied. For retrospective order of dismissal, it was stated that since these persons had been suspended with effect from 16-9-63, the management could pass an order of dismissal with retrospective effect.

6. On the pleadings of the parties at the preliminary hearing rendered on 21-6-67, the following additional issues were framed which would show the points in controversy and may be considered serially.

#### *Addl. Issues*

1. Is the dispute not an industrial dispute?
2. Whether the enquiry was vitiated for violation of principles of natural justice?
3. If so, whether the concerned workmen or any of them were guilty of the misconduct for which they had been punished?
4. Whether the misconduct was not covered within the Standing Orders?
5. Were the workmen victimised?

#### *Findings:*

*Issue No. 1.*—There is no merit in the plea of the management in this regard. Colliery Mazdoor Sangh had taken up the dispute for these persons and Sri Shankar Bose, the Secretary of this Union, was examined as W.W.1. He produced the Membership Register for the year 1963-64 from which it appeared that about 3,000 workers of this Colliery were members of the Union. All the ten concerned persons were members of the Union at the time of the dispute but later on they became members of another Union. Khan Mazdoor Congress, which is the representing Union before this Tribunal. For Counterfoil receipts, he stated that they are weeded out after three years. He further proved three receipts of Balchandra Nonla, (Ex. W. 3, W. 4 & Ex. W. 5) for payment of subscription. No sponsoring resolution was necessary by the Constitution. It may be noted that in conciliation, the management did not dispute the competency of the Union to raise the dispute and in fact, negotiated and settled other demands of the Union. It does not now lie in the mouth of the management to say that the Union was not competent to sponsor the dispute and the dispute is not an industrial dispute.

*Issue No. 2.*—The entire record of the enquiry proceedings with notices issued to workmen were filed by the management and have been proved by Sri D. P. Dabral as Exts. E/1 to E/44. Although it is stated that the management witnesses were not examined by the Enquiry Officer in presence of the charge-sheeted workmen and one of them Banshi Chamar (W. W. 2) affirmed about this, yet there

is no substance in this allegation. The mere fact that thumb marks of the charge-sheeted workmen do not appear at the end of the statement of management's witnesses is no ground to suppose that the Enquiry Officer recorded their statements behind their back. Puthi Kumbhar as a matter of fact, even cross-examined the Labour Welfare Officer, Sri D. P. Pandey. The Enquiring Officer has given an explanation that this was not considered necessary and thumb mark was obtained of each charge-sheeted workman after he gave his statement. There is little cause to doubt the veracity of this statement. At the same time, there are two vital defects which completely vitiate the enquiry. The first is that charge-sheeted workmen were not only examined but rather closely cross-examined by the Enquiry Officer. The enquiry report itself is an indication of the fact. After narrating the evidence of the management, the Enquiry Officer started dealing with the statements of the charge-sheeted workmen from page 4 of his report. The statement of each charge-sheeted person was not directed to elicit explanation for the evidence adduced by the management but each charge-sheeted person seems to have been questioned at length in order to shatter him by cross-examination with regard to the plea of alibi and the defence. This is a serious infirmity and indicates that the Enquiring Officer was not acting fairly and in a bonafide manner. As observed in *Associated Cement Co. Ltd. Vs. Their workmen* (1963-II-LLJ p. 398). "It is true that domestic enquiries need not be conducted in accordance with the technical requirements of criminal trials, but they must be fairly conducted and in holding them considerations of fair play and natural justice must govern the conduct of the Enquiry Officer. Further it is essential that these enquiries are conducted honestly and bonafide with a view to determine whether the charge framed against the workmen is proved or not, and so care must be taken to see that these enquiries do not become empty formalities." The fairness of the enquiry was again emphasised by the Hon'ble Supreme Court in *Sur Enamel and Stamping Works Ltd. Vs. Their workmen* reported in 1963 (II) LLJ p. 367. Yet another and more serious infirmity in the enquiry is the imposition and reliance of some enquiries on facts which emerged from the statement of the charge-sheeted workmen made by the Enquiry Officer himself and behind the back of the charge-sheeted person. This is evident from his report at more than one place. At page 5 of the report while dealing with the statement of Ram Sundar Kurmi, the Enquiring Officer elucidated from him that there were two nurses in the hospital where he had gone. One was short and another tall and that the tall nurse asked him to go away at 1.30 p. m. While dealing with Balchand Nonia at page 6 similar facts were elicited from his statement about the nurse and the period of stay in the Saraidhela Hospital. The statement of Banshi Chamar was the same as Balchand Nonia. At page 8 of the report, the Enquiry Officer made the following astounding observations:

"These (3) of the accused persons have stated that they had gone to the Central Hospital at Dhanbad and stayed there between 10.30 A.M. to 3 P. M. I have got it confirmed that visitors are not allowed except between 3 to 5 P.M. The utmost concession made is that a person on request may be allowed to see a patient for about 5 minutes outside the visiting hours. I further came to know that the duties of female staff in the wards are from 7 A.M. to 1 P.M. and 1 P.M. to 8 P. M. besides the night shift. The version besides of the 3 accused persons are different, as regards the time when the nurse asked them to go out. One stated that it was at about 1 or 1.30 P.M. and the others say that it was after an hour of their having been there in which case it comes to 11.30 or so. None of the three accused workmen has spoken of the change of the shift. For my curiosity I made enquiries regarding colour and sizes of the nurses who were on duty in that ward. All the nurses on duty in that ward were short and dark except one, who cannot be called tall. She was only not short. She may be called fair but then she was not on duty on that day and was positive that no three persons on any day had during her duty hours gone to the ward."

The above observations in the report of the enquiry clearly demonstrate the lack of bonafides and throwing to winds the cardinal principles of evidence that no evidence should be taken and relied upon behind the back of the charge-sheeted persons. It is manifest that to falsify these three charge-sheeted persons, the Enquiring Officer went out of his way to make enquiries at the hospital about the visiting hours. Not even this, he even recorded his impression about the size and the complexion of the nurses in order to reject the alibi statement of these three charge-sheeted persons. Yet at another place at page 7 in the last paragraph while dealing with the statements of the charge-sheeted persons that

they had remained at the Police Station till about 1 p. m. and till then they had not seen the Labour Welfare Officer there. He made the following observation:—

"The accused workmen had proved their alibi which does not stand any scrutiny. I have verified that the first information report by the Labour Officer was given at 12.30 p. m. to the Police Station. Almost all the accused persons who have said to have gone to Thana state to have been there till 1 p.m. None of them admits having seen the Labour Officer there. Hence, It is a lie."

It is thus obvious that the Enquiring Officer held enquiries behind the back of the charge-sheeted persons to find out when was the First Information Report lodged by the Labour Welfare Officer. The F. I. R. was not before the Enquiring Officer and he had no business to go out of the way to find out at what time the report had been lodged. This is grave violation of cardinal rules of evidence and principles of natural justice. As observed in Associated Cement Company case (supra) "This cannot be treated as mere technical rules of evidence which departmental tribunals or enquiry officers are not bound to observe, because the principles on which these rules are based are principles of natural justice." If an officer holding a domestic enquiry has acted in disregard to the rules and has relied on oral or documentary evidence which is adverse to the person charged without giving him an opportunity to explain it or on evidence which is clearly inadmissible for the purposes of arriving at a finding adverse to the person charged, such contraventions of the principles of natural justice introduces a serious infirmity in the inquiry. In such a case, it must be held that the conclusion of the Enquiry Officer that misconduct charged against the workmen concerned has been proved, suffers from an element of unfairness which vitiates the whole enquiry and renders the order of dismissal made in consequence of the enquiry bad in law. These obvious flaws in the report of the Enquiring Officer vitiates the enquiry and the issue must be answered in affirmative.

**Issue No. 3.**—The evidence in the case was first confined to the enquiry in the hearing rendered at Dhanbad on 18-3-68. After hearing arguments when it appeared that the enquiry is likely to be vitiated, management was called upon to lead evidence on misconduct for which the charge-sheeted persons had been dismissed and the Union was also required to prove the plea of victimisation. The evidence on these issues No. 3 & 4 were recorded in subsequent hearings rendered on 8th to 10th May, 1968 at Dhanbad. To prove the misconduct, the management examined three witnesses, the Labour Welfare Officer, Shri Dhan Bihari Lal Pandey, a victim of the assault (E.W. 2), another victim of assault, Shri Hari Lal Mistry (E.W. 4), and Sri Lallan Pandey, another driver who was in the back seat (E.W. 5). They all stated about the occurrence as it happened and broadly corroborated each other. That there was an occurrence in which the Labour Welfare Officer Sri D. B. Pandey and the driver, Sri Hari Lal Mistry, were severely belaboured and received injuries at the hands of the assailants in a large crowd admits of no doubt. Injury reports filed and proved on behalf of the management Exts. E/46 and E/47 confirmed the fact that they received substantial injuries. The real question is how far the management has succeeded to bring home the charge against these charge-sheeted persons. It may be remembered that in industrial adjudication, the theory of conspiracy has no application and the management has to establish the fact of participation individually against each [vide Punjab National Bank Ltd. Vs. Workmen A.I.R. 1960 (S.C.) page 160]. Viewed in this light, it has to be determined how far the management succeeded in bringing the charge against each. Shri Dhan Behari Pandey, Labour Welfare Officer stated and gave names of Puthi Kumbhar, Rafiq Mian, Balchand Nonia, Hari Mochi, Baliraj Harijan and Sakaldeep Harijan. Sri Hari Lal Mistry the other victim of the assault, stated to have identified and named Balchand, Phulchand, Banshi and Ram Roop among his assailants. Lallan Pandey again named Puthi Kumbhar and Rafiq Mian, two of the assailants who were identified by him. None of these witnesses had any personal enmity with any of the charge-sheeted persons, a fact which was even admitted by such of the workmen who came in evidence, namely Banshi Chamar, Ramrup Jaiswal, Hari Mochi, Baliraj Harijan and Faguni Mochi (W. Ws. to 6). They could have had no animus to falsely implicate them. Thus as far as Puthi Kumbhar and Rafiq Mian are concerned there is the positive evidence of S/Sri D. B. Pandey and Lallan Pandey. So is the case with Sri Balchand Nonia against whom is the positive evidence of S/Sri D. B. Pandey and Hari Lal Mistry. Thus against these three persons, there is the evidence of two witnesses. As against S/Sri Hari Mochi, Faguni Mochi, Baliraj Harijan, Sakaldeep, there is the evidence of the Labour Welfare Officer that they were identified by him among the assailants. Against Ramroop Jaiswara and Banshi Chamar there is the evidence of Hari Lal Mistry for their having been his assailants. There is little cause to doubt

their testimony on the point. The bare denial of Bansi Chamar, Ramroop Jaiswara, Hari Mochi, Baliraj Harijan and Faguni Mochi examined as W. W. 2 to W. W. 6 that they were not participants in the assault without any supporting evidence cannot be believed. The charge of having assaulted the Labour Welfare Officer and the driver is found to be established by the above evidence addressed on behalf of the management before the Tribunal. It is only in respect of Ram Sundar Kurmi (Sl. No. 2) that there is no evidence whatsoever of the management. The punishment of dismissal against him cannot be sustained. Against the remaining nine it has been established.

It may be mentioned that after the close of the evidence and arguments and before the award could be recorded, on behalf of these workmen certified copy of the F.I.R. and a judgment of criminal case in respect of different occurrence dated 17.9.63, were received. This judgment has no relevancy to the occurrence in question. As for the F.I.R., it was lodged by the Labour Welfare Officer, Sri Dhan Behari Pandey. It was sent with a view to show that the name of Rafiq Mian was not mentioned in the F.I.R. That may be so, but the fact cannot be taken into account as no question for this omission was put to Sri D. B. Pandey (E.W. 2) when he was examined in evidence. He could have had given same explanation for this omission. The charge-sheeted persons appear to have been prosecuted for the occurrence, but no certified copy of the judgment was filed. It was admitted by Sri D. B. Pandey as also by Sri Hari Lal Mistry that they were examined in the criminal case. Had there been any contradiction or inconsistency in their previous statements in the criminal case and as stated before this Tribunal, they would have been confronted by these contradictions. It follows, therefore, that the statement of these witnesses as given in the criminal case and before this Tribunal as also before the Enquiry Officer had been throughout consistent. No advantage can be given to Rafiq Mian by omission of his name in the F.I.R. when his participation has been stated affirmatively by at least two witnesses out of three witnesses examined by the management. After all, it is not a criminal trial where F. I. R. is treated as foundation of a criminal case. In any event when Sri D. B. Pandey was not given an opportunity to explain the omission no adverse inference can be drawn. Issue is held accordingly, viz. except for Ram Sundar Kurmi (Sl. No. 2), charge is proved against the remaining nine.

Issue. No. 4.—Clause 29(5) is the relevant clause of the Standing Orders which describes "Drunkenness, fighting, riotous or disorderly or indecent behaviour" as a misconduct. It is contended on behalf of these persons that the incident took place outside the working hours on a holiday and beyond the premises of the mines. Consequently, it is not covered by the Standing Orders. It was purely a private affair for which the law should take its normal course. Reliance is placed on *Agani Vs. Badridas*, reported in 1963(I)(LLJ p. 684. This case is clearly distinguishable. The occurrence in the ruling had taken place between the charge-sheeted workmen and an outsider in workers' colony and the matter had no connection with the employment of the workmen. It was in that context that the Hon'ble Supreme Court made an observation that a private quarrel between an employee of a concern and an outsider if it takes place outside the premises and the working hours and which has nothing to do with his work or the work of the other employee is not covered as a misconduct. In the instant case, the Labour Welfare Officer and the Driver were both other employees and they were engaged in work connected with their employment of the Colliery. Actually, they were proceeding to the Head Office in connection with organisation of the function of Kali Puja on behalf of the management. The management filed a Plan Ex. E/45 prepared by a Surveyor so as to show that from Incline No. 10 to the Head Office that was the only road by which they were proceeding and they were intersected and assaulted near Mohriband railway crossing. The motive of the assault had been stated by the Labour Welfare Officer, Sri D. B. Pandey. He deposed that on the day previous to the occurrence Puthi, Rafiq Mian and Hari Mochi had approached him to re-employ Ram Badan Harijan with back wages who had been dismissed and was reinstated by arbitration. He told him that the Agent would look into it but they suspected his hand in the affair. They had even threatened him. There was thus a clear nexus or connection between the assault and the employment. Moreover Standing Order does not specifically restrict the misconduct under Clause 29(5) for the working hours and within the premises of the mine. That being so, the misconduct was covered by the Standing Orders.

Issue. No. 5 —The plea of victimisation is evidently a frivolous one. Such of the charge-sheeted workmen who came in evidence, namely Bansi Chamar, Ramrup Jaiswal, Hari Mochi, Baliraj Harijan and Faguni Mochi ((W. W. 2 to W. W. 6) simply stated that they were asked either by the Manager or by the Labour Welfare Officer to leave membership of the Colliery Mazdoor Sangh on threat of

dismissal. They were ordinary members of the Union which had as many as 3,000 workers of this Colliery as members. None of them was a prominent worker or office bearer of the Union. There could be no possible reason for the management to coerce these persons to give up membership of Colliery Mazdoor Sangh. They admittedly made no complaint about it to the Union in writing. Evidently this is a frivolous plea which merits no serious attention. The Union itself made no grievance about it in conciliation. The issue is, therefore, answered in negative.

**Decision.**—The result is that the dismissal of Sri Ram Sundar Kurmi (Sl. No. 2) was wholly unjustified. He is entitled to be reinstated with back wages from the date of his suspension, 16th September, 1963. For the remaining nine S/Sri Balchand Nonia (Sl. No. 1), Faguni Mochi (Sl. No. 3), Hari Mochi (Sl. No. 4), Banshi Chamar (Sl. No. 5), Ram Roop Jaiswara (Sl. No. 6), Puthi Kumbhar (Sl. No. 7); Md. Rafiq Khan (Sl. No. 8), Sakaldeep Harijans (Sl. No. 9) and Shri Baliraj Harijan (Sl. No. 10), the action of the management in dismissing these workmen was justified. It may be mentioned that in the reference, the date of dismissal is given as 4th November, 1963 but the order of dismissal dates back to the date of suspension which was 16th September, 1963. The reference does not cover the question of suspension and retrospective operation of the dismissal order. Under the Standing Orders the employer could not suspend for more than 10 days. Since, however, there is no reference about the legality or otherwise of the suspension for more than ten days and the dismissal has been assumed to have been effective from 4th November, 1963, it is held to be justified. No order for costs.

(Sd.) G. C. AGARWALA,

Presiding Officer,  
25-5-68.

[No. 1/29/63-LR.II.]

**S.O. 2199.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited, Post Jealgora, District Dhanbad and their workmen, which was received by the Central Government on the 7th June, 1968.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR.**

Dated May 28, 1968.

**PRESENT:**

Sri G. C. Agarwala, Presiding Officer.

CASE REF. No. CGIT/LC(R) (99)/1967 (JABALPUR)

CASE REF. No. 44 of 1964 (DHANBAD).

**PARTIES:**

Employers in relation to the Jamadoba Colliery of M/s. Tata Iron and Steel Company Limited, Post Office Jealgora, District Dhanbad (Bihar)

**Vs.**

Their workmen represented through the Colliery Mazdoor Sangh, P. O. & District Dhanbad (Bihar).

**APPEARANCES:**

**For Employers.**—Sri S. S. Mukherjee, Advocate & Sri L. H. Parwatiar, Legal Assistant of the Company.

**For Workmen.**—Sri D. Narsingh, Advocate and Sri S. Das Gupta, Secretary, Colliery Mazdoor Sangh

**INDUSTRY:** Coal Mine,

**DISTRICT:** Dhanbad (Bihar).

**AWARD**

The Ministry of Labour and Employment by Notification No. 1/9/64-LR.II dated 17th April, 1964 referred the following matter of dispute as stated in the schedule to the order of reference, to the Central Government Industrial Tribunal,

Dhanbad, for adjudication, from where it was transferred to this Tribunal by Notification No. 8/25/67-LRII dated April 25, 1967:—

*Matter of Dispute*

Whether the management of Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post Office, Jealgora District Dhanbad are justified in retaining the Munshis of the Colliery in Grade III? If not, to what relief are they entitled?

2. The employers, M/s. Tata Iron & Steel Company Ltd., to be hereinafter called the Company, filed the statement of claim before the Dhanbad Tribunal on 5th June, 1964. The Union, Colliery Mazdoor Sangh, filed the statement of claim-cum-rejoinder before the Dhanbad Tribunal on 31st March, 1965. On preliminary hearing rendered at Allahabad on 12th June, 1967, the employers representative stated that no rejoinder was necessary. On perusal of pleadings, except for one to the effect whether categorisation of Munshis from Grade III to Grade II was not a matter of industrial dispute and no valid reference could be made, no additional issues were considered necessary. The employers filed certain documents Ex. E/1 to E/6 which were all admitted by the Union. On the next hearing rendered on 21st July, 1967 the employers wanted to file a statistical chart showing the disposition of work of every Munshi in each colliery and they were allowed to do so. This was completed on 5th August, 1967 when the case was taken up next at Dhanbad. It was filed with an affidavit and is Ex. E/7 Series. The Union filed eight more documents Ex. W/2 to W/9 on the next hearing rendered at Dhanbad on 20th March, 1968, formal proof of which was waived by the employers. The Union also examined four witnesses, namely Sri S. Das Gupta (W.W.1) Secretary of the Union, who proved a statement annexure "A" filed with the written statement and was marked Ex. W/1. Other witnesses examined by the workmen, were S/Sri Arsi Dey (W.W.2), Radha Nath Mahato (W.W.3) and Jagdish Singh (W.W.4). On the application of the Union, it was considered desirable that the Company should be required to file the statistical chart for the years 1959 to 1964, they having done earlier as Ex. E/7 Series for the years 1965 onwards. This was done at the hearing rendered on 6th May, 1968. The Deputy Chief Mining Engineer, Sri B. S. Rao, filed the same on affidavit and as Ex. E/8 Series the Proforma of Munshi's Report Form was filed as Ex. E/9. A true copy of an award in Ref. Case No. 195/65 before the Dhanbad Tribunal relating to the case of Sri Jagdish Singh (W.W.4) and decided on 19th November, 1966 was also filed. On behalf of the employers an affidavit of Sri B. S. Rao was filed about the facts of the case which was sworn before me on 6th May, 1968 and he tendered himself for cross-examination on the hearing rendered at Dhanbad on 9th May, 1968. After his cross-examination, representatives of parties submitted written arguments which are on record.

3. The facts of the case are short and simple. The All India Industrial Tribunal (Colliery Disputes) Award known as Majumdar Award categorised Munshis of Collieries in Grade III. It may be mentioned that although the broad term used is Munshi in reference yet actually these Munshis are engaged as Underground Munshis and the reference pertains to this category of Underground Munshis. The job description of the Munshis was stated by Sri B. S. Rao, Dy. Chief Mining Engineer in paragraph 5 of the affidavit who had worked in different collieries, is reproduced below:—

"That the normal duties of munshis are—(a) to look to the supply of empties to different gangs of miners (b) to check proper loads and book number of tubs against each gang, (c) in case of breakdown to send informations to fitters, (d) to write out report of the number of tubs supplied and loaded by miners against their name in rough coal book and at the end of the week to submit a summary giving names of miners and tubs loaded by them during the whole week as also their attendance, the place of work in the Line Book maintained by them and lead, lift and pushing, if any, (e) to write name of gang of miners on the tub supplied to each gang. In 1959 the management introduced Munshi's Report Form, a proforma of which is Ex. E/9, and required to fill particulars of attendance, out put, lead and lift performed by miners and loaders. Both sides of the Form have to be filled in by the Munshis daily. They are required to submit the forms after close of their shift. The Company has six collieries in Jharia Coalfield, namely (1) Jamadoba (2) Digwadih (3) 6 & 7 Pits (4) Sijua (5) Malkera-Choitodih and (6) Bhalatand. Such of the

Munshis in their different collieries who agreed to comply with and fill up the Munshi's Report in time were upgraded and given Gr. II. Ex. E/5 Series are letters addressed to Munshis of different collieries mentioning the dates from which they had agreed to do the additional work and were placed in Grade II. The yearwise position of Munshis in different collieries in Grade III or Grade II has been stated in Chart (Ex. E/4). Munshis of Jamadoba Colliery, the number varying from 9 to 12 upto 1964, did not agree to take up the additional burden and therefore the management did not upgrade them in Grade II. According to the Union, this was because Munshis of Jamadoba Colliery already had a greater work load from the point of view of the number of miners allotted to each, the distances of the working faces which they had to cover and it was physically impossible on their part to fill up and complete the Munshi's Report so as to deliver it on the same day. They offered to do so on the next day, an offer which was not accepted by the management. It was contended on behalf of the Union that those who have been given Grade II in other collieries also do not fill up the Munshi's Reports and deliver them on the same day. It may be mentioned that three Munshis, S/Sri Lalit Mohan Paul, Kheda Mahato and Alim Ullah were transferred from Sijua to Jamadoba Colliery in June 1965. They were in Grade II and continue to enjoy the same grade. The Union brought this anomaly to the notice of the management by means of letter dated 20th July, 1965 after the dispute has been raised. These persons were also not submitting Munshi's Report after the end of the shift and they were warned by the management by a communication dated 9/10th August 1966 (Ex. W/8) that their increment would be stopped. The position, therefore, for Jamadoba Colliery is that out of 16 Munshis three (3) who have come on transfer from Sijua Colliery are in Grade II and the remaining 13 are in Grade III. The management's stand, therefore, is that unless and until these Munshis agree to fill up the Munshi's Report and submit the same in time as is being done by others who have been given Grade II, they are not entitled to Grade II."

4. Coming to the preliminary objection raised by the employers that the reference for categorisation is not an industrial dispute, there is no merit in this plea. It is not a case of promotion to a higher grade but a proper placement in a particular category. As such, the dispute is an industrial dispute. Even if it had been a case of promotion, the dispute would nevertheless be an industrial dispute and the tribunal would have had jurisdiction. There is, therefore, no substance in the contention.

5. Coming to the merits of the dispute, it is evident that the management upgraded such of the Munshis in other collieries who agreed to fill up the Munshi's Report on both sides and submit the same in time. This is evident by numerous letters issued to each Munshi of every colliery who were upgraded and are Ex. E/5 Series.

That the upgrading was dependent on rendering of this extra work was admitted by Sri S. Dasgupta, Secretary of the Union, in his cross-examination. There is a categorical admission on his part that "those Munshis who agreed to fill up forms prescribed by the Company and submit at the end of the shift in other Collieries were given Grade II". It was, however, contended that such of the Munshis who agreed to submit the forms at the end of the shift never could do it and in practice they were submitting next day, an offer which was made by Jamadoba Munshis also. It is no doubt true that Munshis generally do not appear to have been submitting the reports after the close of their shifts that very day. This is borne out by the fact that after the dispute was raised, the management did issue warning letters to a number of Munshis for failure to submit the reports at the end of the shift and for submitting the reports next day. Ex. E/8 is a warning letter issued to practically all the Munshis of Digwadih Colliery on 20/21st August, 1964. The situation to issue such wholesale warnings to Munshis of a particular Colliery could not have arisen unless it had been a practice to submit the report next day. The Munshis who came on transfer from Sijua to Jamadoba Colliery, namely S/Sri Lalit Mohan Paul, Kheda Mahato and Alim Ullah, were also issued similar warnings by letter dated 9/10th August, 1966 (Ex. W/8). Sri Radha Nath Mahato (W.W. 3) a Munshi in Sijua Colliery from 1945 has stated that all the Munshis of this Colliery fill up and submit the report in the prescribed form

next day. He has stated that it is impossible to fill up and deliver the form that very day as after the close of the shift Munshis have to come out but miners continue to work for filling up the empty figures which are obtained next day from Munshis of the succeeding shift. To the same effect is the evidence of Sri Jagdish Singh (W.W.4) a Munshi in Digwadh Colliery. It may be noted that for Sri Jagdish Singh who was not given Grade II in the beginning a dispute was raised by the Union and which resulted in a settlement award, a copy of which is Ex. E/10. It was mutually agreed that he would be upgraded to Gr. II from the date from which he has been filling both sides of the prescribed form and submitting in time i.e. 25th March, 1963. The use of the term of submission of reports in time is significantly a vague term. Sri B. S. Rao in his affidavit in paragraphs 6, 7, 8 and 9 has used this term and has not specifically stated that Munshis in other collieries have been submitting reports that very day after the close of the shift. It, therefore, appears that in actual practice Munshi's Reports are filled up and are submitted next day. At the same time, the stand taken by the Union that the Munshis of Jamadoba Colliery offered to fill up the reports on both sides and submit the same on the following day is not supported by any evidence whatsoever. On the contrary, it appears that by reason of the existing work load, their stand was that they were already over worked and should not have been required to do this extra work. It therefore appears that Munshis of Jamadoba Colliery had not offered that they were prepared to fill up forms and deliver the same next day until the offer was made at a very late stage in conciliation. It was only on 3rd February, 1964 when the Secretary of the Union by means of letter Ex. W/4 for the first time stated that Munshis of Jamadoba Colliery were prepared to fill up reports and submit the same next day. Before that no such offer was made on behalf of the Munshis. Actually speaking they had been contending that they were already over worked and submission of reports that very day after the close of shift was impossible. It may be that submission of reports soon after the close of the shift may not have been possible, nevertheless they should have made an unequivocal offer to fill up the forms and deliver the same in time so far as was practicable. In the absence of this, they cannot claim the higher grade with any retrospective date as the upgrading of Grade II was conditional on undertaking an additional burden of filling up Munshi's Reports and submitting them in time which obviously these Munshis have not been doing.

#### Decision.

The result is that the management of Jamadoba Colliery of M/s. Tata Iron & Steel Company Ltd. were justified in retaining the Munshis of the Colliery in Grade III in the past. Since, however, the Munshis are prepared to fill up Munshi's Reports and submit the same on the following day they shall be placed in Grade II after the award has become enforceable. No order for costs.

Sd./- G. C. AGARWALA,  
Presiding Officer.  
28-5-68.

[No. 1/9/64-LRII.]

**S.O. 2200.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri Salim M. Merchant, Arbitrator, in the industrial dispute between the employers in relation to the National Coal Development Corporation Limited, Kargail Colliery, Post Office Bermo, District Hazaribagh and their workmen, which was received by the Central Government on the 6th June, 1968.

#### BEFORE SHRI SALIM M. MERCHANT, ARBITRATOR

The National Coal Development Corporation Limited, Kargail Colliery,  
Post Office Bermo, District Hazaribagh, Bihar.

AND

Their Workmen.

(Represented by the Colliery Mazdoor Sangh, Kargail Branch, Post Office Bermo, District Hazaribagh).

PRESENT:

Shri Salim M. Merchant, Arbitrator.

## APPEARANCES:

Nil.

Dated at Bombay this 22nd day of May, 1968.

INDUSTRY: Coal.

STATE: Bihar.

## AWARD

1. By an agreement dated 21st July, 1964, under section 10A of the Industrial Disputes Act, 1947 (Act XIV of 1947) the parties above-named made an application for referring an industrial dispute between them in respect of the following specific matter in dispute, *viz.* :—

"Whether the demand of the Coal Cutters/Loaders of Kargali gurries for supply of three tubs per pair per attendance as per extent procedure at Bokaro Colliery is justified under the prevailing conditions at Kargali Colliery."

Thereupon, the Central Government, Ministry of Labour, Employment and Rehabilitation by Order No. 8/137/64-LRII dated 5th October, 1964, made in pursuance of the provisions of sub-section 3 of section 10A of the Industrial Disputes Act, 1947, published the said agreement which was received by it on 1st October, 1964. Thereafter, I issued notices to the parties calling upon them to file their written statements, but no party filed any written statement. Then on 25th March, 1967 I addressed a letter to both parties, asking them to file their written statements so that the dispute may be fixed for hearing at an early date. To this a reply was received from the Senior Group Personnel Officer of the National Coal Development Corporation Limited, stating that the Colliery Mazdoor Sangh had not submitted any written statement of claim, although more than 2½ years had elapsed since the agreement to arbitration, and a month had elapsed after my letter of the 25th March, 1967 had been issued to the parties. He has in that letter stated that the Administration was of the opinion that the demand of the Colliery Mazdoor Sangh for supply of 3 tubs per pair per attendance was not correct or justified, or in keeping with the award of the All India Industrial Tribunal (Collieries Disputes) or any subsequent award. He has stated that the Colliery Mazdoor Sangh had not submitted any claim statement because, probably, they realised that their demand was not justified. On receipt of that letter, I addressed a letter by registered post on 2th May, 1967 to the General Secretary, (Colliery Mazdoor Sangh), enclosing copy of the Senior Group Personnel Officer's said letter of 1st May, 1967 for his information and necessary action. I further directed him by that letter to state whether the Union wanted to prosecute the reference or not, and that if the Union was prosecuting the reference, it should file the written statement of claim by 16th June, 1967 with copy to the Corporation. I forwarded a copy of this notice to the Senior Group Personnel Officer. These letters were sent by registered post, acknowledgement due, and have been duly served. Yet, no statement of claim has been received from the Colliery Mazdoor Sangh, nor was any reply received to the said letter. The Union even otherwise has not taken any steps to prosecute this reference. In the circumstances, the claim under reference is dismissed for non-prosecution.

(Sd.) SALIM M. MERCHANT,

Arbitrator.

[No. 8/137/64-LRII.]

## ORDERS

New Delhi, the 13th June 1968

**S.O. 2201.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Malkera Chaitudih Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed,

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the dismissal of Shri A. H. Khan, Clerk Grade II, with effect from the 8th October, 1967, by the management of Malkera Choitudih Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora, District Dhanbad was justified? If not, to what relief is the workman entitled?

[No. 2/70/68-LRII.]

**S.O. 2202.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of P. D. Kajora Colliery, Post Office Kajoram, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the management of P. D. Kajora Colliery, Post Office Kajoram, District Burdwan was justified in terminating the services of Shri Nageshwar Singh, Trammer with effect from the 30th January, 1968? If not, to what relief to the workman entitled?

[No. 6/41/68-LRII.]

BALWANT SINGH, Under Secy.

#### (Department of Labour and Employment)

New Delhi, the 11th June 1968.

**S.O. 2203.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947. (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay in respect of an application under Section 33 of the said Act filed by the All India Air-Craft Engineers' Association which was received by the Central Government on 25th April, 1968.

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

APPLICATION NO. CGIT-14 OF 1968  
IN REFERENCE NO. CGIT-26 OF 1967

#### PARTIES:

The Management of Air-India and its workmen.

#### PRESENT:

Shri A. T. Zambre, Presiding Officer.

#### APPEARANCES:

*For the Air India.*—Shri P. P. Khambatta, Counsel, Shri S. K. Wadia, Solicitor, Shri T. V. Lalvani, Industrial Relations Adviser, Shri P. D. Baliwala, Deputy Engineering Manager, and Shri P. C. Jacob, Superintendent, Industrial Engineering.

*For the All India Air-Craft Engineers' Association.*—Shri V. K. Tembe, Advocate, Shri K. R. N. Swamy, Joint Secretary, and Shri R. N. Chuckerbutty, Member, A.I.A.E.A.

STATE: Maharashtra.

INDUSTRY: Airlines.

Bombay, the 19th April 1968

#### ORDER

The All India Air-Craft Engineers' Association has filed this application against the management of the Air India for an injunction restraining the management

from appointing Non-AMES to do the duties, normally performed by Air-Craft Maintenance Engineers and for a direction prohibiting them from designating such non-AMES as inspectors and permitting them to perform such duties and the circumstances under which this application has been filed are as follows:—

2. The Air-Craft Maintenance Engineers are the concerned workmen in Reference No. CGIT-26 of 1967 which is pending in this Tribunal. During the pendency of this reference the management of Air-India has appointed one Shri J. P. Sukeshwala from the non-AMES as an inspector and Union has alleged that Shri Sukeshwala is called upon to perform the same duties as are normally performed by the air-craft maintenance engineers and this act of the management directly contravened the provisions of Section 33 of the Industrial Disputes Act. It is also contended that the duties performed by the air-craft maintenance engineers were not transferable and the non-AMES are not qualified to perform the same and the management should be restrained from appointing such non-AMES to do those duties.

3. The management of Air-India has opposed this application. They have admitted that one Shri J. P. Sukeshwala has been appointed as a non-licensed inspector during the pendency of the adjudication proceedings but have contended that the appointment of Shri Sukeshwala in the post of inspector (non-licensed) is completely in accordance with the practice prevalent in the Corporation for the past many years. The non-licensed inspectors have been employed for inspection duties since 1948-1949 when the inspection organisation of Air-India was approved by the Director General of Civil Aviation (DGCA). Under the terms of the D.G.C.A.'s approval which is still in force non-licensed inspectors are authorised by the D.G.C.A. to perform inspection duties just as licensed engineers are permitted to perform inspection by virtue of their licence and there is no alteration in the conditions of service of the A.M.Es represented by the All India Air-craft Engineers' Association.

4. It has been further contended that since 1960 A.M.E. Licenses for overhaul of Boeing Aircraft and engines have been discontinued by the DGCA and therefore the Corporation has no alternative but to employ non-licensed inspectors in place of licensed engineers. The appointments are also dictated by the growing needs of a public utility concern. The scope of inspection duties of non-licensed inspectors is also limited. The AME's and non-licensed inspectors are employed in different grades which are commensurable with the scope of their functions and duties and the application should summarily be rejected.

5. In the application the Association has not stated how the appointment of Shri Sukeshwala as non-licensed inspector would affect the interests of the workmen, what condition of service is infringed and how it has contravened the provisions of section 33 of the Industrial Disputes Act. However, it has been argued that such appointment would affect the chances of promotion of the workmen and would create complications. Regarding the maintainability of the application the learned Counsel for the Association has argued that the Tribunal has under section 10(4) of the Industrial Disputes Act powers to grant such reliefs as injunction and has contended that as the non-licensed inspectors are not qualified to perform the inspection duties the management should be restrained by issuing the necessary injunction.

6. It is not in question that the Air-craft Maintenance Engineers are the workmen concerned in this dispute referred for adjudication to this Tribunal in Reference No. CGIT-26 of 1967. The reference pertains to the question whether the demand of the All India Air-Craft Engineers Association that no one except the air-craft maintenances engineers employed by Air-India should be required or allowed to inspect or certify the maintenance or overhaul of an air-craft or its component, or do both in terms of the existing agreement between them is justified. From the terms of reference it is clear that this Tribunal is asked to decide the question whether the demand of the workers is proper. This Tribunal is not asked to decide the question of issuing any injunction restraining the management from appointing non-AMES and it is difficult to accept the contention of the association that this Tribunal has got the power to pass the orders of injunction and other interlocutory orders.

7 The Association has made this application as the management appointed Shri Sukeshwala after the dispute was referred to this Tribunal. The learned Counsel has relied upon the provisions of section 10(4) of the Industrial Disputes Act and has invited my attention to the ruling reported in 1959 II LLJ page 544

(Toel Imperial, New Delhi and others and Hotel Workers Union) and it has been argued that the words of matters incidental thereto in section 10(4) necessarily implies powers in the Tribunal to pass such orders. The learned Counsel has relied upon the observations of their Lordships in the above quoted ruling:—

“There can be no doubt that if for example question of reinstatement and/or compensation is referred to a tribunal for adjudication the question of granting interim relief till the decision of the Tribunal with respect to the same matter would be a matter incidental thereto under section 10(4) and need not be specifically referred in terms to the tribunal. Thus interim relief where it is admissible can be granted as a matter incidental to the main question referred to the tribunal without being itself referred in express terms.

The further question as to how the tribunal should proceed in the matter if it decides to grant relief and as to whether an order granting interim relief pending final adjudication is an award within the meaning of section 2(b) of the Act and required to be published under section 17 of the Act were left undecided in the instant case.

Ordinarily interim relief should not be the whole relief that the workmen would get if they succeeded finally. The industrial Tribunal directed the managements of hotels to pay to the concerned workmen their full salary plus Rs. 25/- per mensem in lieu of food by way of interim relief pending adjudication proceedings before it. Such order was not published as an interim award. The Labour Appellate Tribunal confirmed such order in appeal. While granting special leave to appeal against the orders of Labour Appellate Tribunal the Supreme Court directed the appellants managements to pay and continue to pay half of the amounts so directed to be paid by the lower tribunals. At the time of the final disposal of the appeals the Supreme Court confirmed the interim directions and directed the such payment should be made till certain dates when all the concerned workmen were taken back in service.”

8 I do not think that this ruling will be applicable to the present case as by the present application preferred by the Association they have prayed for a relief of injunction styling the same as interim relief. It is true that Civil Courts have power to pass interlocutory orders for injunction attachments receives, etc. But these orders are passed with a view to prevent the ends of justice being defeated. The proceedings under the application in which such orders are passed are supplementary proceedings and the reliefs also are of a supplementary nature. It cannot be called an incidental matter or an interim relief. Matters supplementary are different from these which are incidental. This Tribunal is a creature of the Industrial Disputes Act and I do not think that the Tribunal has got the general powers of the Civil Courts to grant such supplementary reliefs. In my opinion the interim relief which is incidental to the main relief is not a supplementary relief which has been granted with a view to maintain the *status quo* or prevent injustice, and it shall have to hold that this Tribunal has no power to issue an injunction restraining either party from taking any action in their business. Section 10(4) provides that the Tribunal shall confine its adjudication to those points and matters incidental thereto and granting an injunction in my opinion is beyond the scope and ambit of the reference.

9. It do not think it necessary at this stage to consider in details either the allegation of the Union about the breach of the provision of section 33 of the Industrial Disputes Act or the contentions raised by the Corporation, about the longstanding practice of the Company to appoint non-AMES inspectors and their needs. However the applicants themselves have not stated in their application what *prima facie* case they have got and how their interests will be affected. There is neither any *prima facie* case nor balance of convenience in their favour and the application shall have to be rejected.

10. The application is dismissed.

(Sd.) A. T. ZAMBRE,

Presiding Officer.

Central Government Industrial Tribunal, Bombay.

[No. 4/163/67/LR-III.]

New Delhi the 12th June 1968

**S.O. 2204.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur in the Industrial Dispute between the employers in relation to the Punjab National Bank Ltd., Jabalpur and their workmen which was received by the Central Government on 4th June, 1968.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR**

*Dated May 23, 1968*

**PRESENT:**

Sri G. C. Agarwala, Presiding Officer.

CASE REFERENCE No. CGIT/LC(22) OF 1968

**PARTIES:**

Employers in relation to the Punjab National Bank Limited, Jabalpur (M.P.)

*Versus*

Their workmen, represented through the President, M. P. Bank Employees Association, 34, Kings Way Cantt., Jabalpur (M.P.)

**APPEARANCES:**

*For employers*—Sri R. P. Raizada, Staff Officer, Central Circle, Indore (M.P.).

*For workmen*—Sri P. N. Sharma, President of the Association and Sri H. N. Bhatia.

**INDUSTRY:** Bank.

**DISTRICT:** Jabalpur (M.P.)

**AWARD.**

The Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), Government of India, referred the following matter of dispute as stated in the schedule to the order of reference to this Tribunal by Notification No. 51/66/67-LR/III dated 24th February, 1968, for adjudication:—

*Matter of Dispute.*

Whether the action of the management in ordering recovery of the amount already paid and reduction in the salary of Shri M. L. Anand, Clerk at their Jabalpur Cantt. Office vide letter No. 2802 dated the 16th January, 1967 from the District Manager, Central Circle, Indore to the Manager, Branch Office, Jabalpur Cantt. is justified? If not, to what relief is he entitled?

2. The facts of the case are practically admitted. Shri M. L. Anand had been in the continuous employment of the Punjab National Bank in the Jabalpur Cantt. Office since 5th November 1963. His appointment was temporary in the beginning in various leave arrangements till he was made a probationer, with effect from 1st February, 1965. During his temporary period, he earned an increment and was getting Rs. 135/- basic on the date of his appointment as a probationer. The Bank issued an appointment letter (Ex. E/3) when he was appointed as a probationer and although his salary was mentioned as Rs. 130/- yet it is an admitted case that he was paid at the rate of Rs. 135/- which he was drawing after having earned one increment in temporary appointment. An application for employment was also obtained from him which is Ex. E/2. He was allowed increments from 5th November every year treating the temporary service for purposes of increments. In this way, even after his appointment as probationer he was allowed an increment on 5th November 1965, next on 5th Nov. 1966. The Bank, however, realised that this was a mistake and Sri Anand should be allowed increment for the period of service rendered from the date of his appointment as a probationer on 1st February 1965. The District Manager, therefore, by the letter in question mentioned in the terms of reference directed the deduction of over payment to the extent of Rs. 101.64 P. reckoning the commencement of his service from the date of his appointment as a probationer on 1st February, 1965. Sri Anand took up the matter with this Union, M.P. Bank Employees Association, which in due course resulted in this reference.

3. The following additional issues framed in the case will show points in controversy between the parties:—

*Issues*

1. Is the dispute not an industrial dispute?

2. Whether the Bank failed to comply with provisions of para 495 of the Shastry Award. If so, its effect?
3. Whether the appointment of Shri Anand from 5th November 1963 could not be deemed temporary by reason of para 508 of the Shastry Award and para 23:15 of the Desai Award. Shall he be deemed to have been a probationer from 5th November 1963?
4. What is the effect of *Bi-partite* settlement dated 19th November 1966 on the status of Shri Anand for the period of the service prior to 1st February 1965?
5. Is he estopped from contending that his services were not temporary before 1st February 1965?
6. Whether the increments earned by Shri Anand for service rendered from 5th November 1963 till 1st February 1965 have to be accounted for or should the service be deemed a new appointment without regard to past service and increments earned before 1st February 1965?

#### *Findings:*

*Issue No. 1.*—The plea raised on behalf of the Bank is clearly untenable. As the preliminary objection it was stated that the dispute remained an individual dispute inasmuch as it was neither raised by a substantial number of workmen nor in a proper form. There is no question of raising the dispute by the substantial number of workmen when it has been taken up by the Union. Apart from this, there is on record a requisition by the employees of the Branch dated 29th June 1967 (Ex. W/4) addressed to the Secretary of the Union complaining about the action of the Bank. Ex. W/3 is a Membership Form of Shri Madan Lal Anand which shows that he was a member of the Union. He himself complained to the Union by letter dated 27th June 1967 (Ex. W/1). The dispute was, therefore, properly raised and when the Union took up the dispute it became an industrial dispute. The issue is, therefore, answered in negative.

*Issue No. 2.*—During his temporary appointment Sri Anand was not given any letter of appointment. Paragraph 495 of the Sastry Award as modified by the L.A.T. clearly directed that "on a candidate's appointment as a temporary employee, a probationer or a permanent member of the staff the Bank shall give him a written order specifying the kind of appointment and the pay and allowances to which he would be entitled to". This provision has not been complied with by the Bank and Sri Anand was kept in dark how and for what period and in what arrangement he had been kept in temporary employment. In the affidavit filed by Sri R. P. Raizada it has been stated that in the Salary Bill Register, the appointments of Sri Anand were in various leave arrangements and his services were each time terminated and fresh letters of appointment were issued. No such letters of appointment have been filed. As a matter of fact the averment that he was in continuous appointment from 5th November 1963 was neither controverted in the pleadings nor was the fact stated during conciliation proceedings as would appear from the conciliation failure report. Entries in the Salary Bill Register, therefore, are of no avail and were merely paper transactions to show artificial break when in fact there was none. An adverse inference, therefore, will be drawn against the Bank for non-compliance with the directions contained in paragraph 495 of the Sastry Award.

*Issue No. 6.*—Without going into the question whether a period of service rendered before 1st February 1965 the date of his appointment as a probationer should be treated as temporary or not and which is not the subject matter of dispute in this case, it is manifest that for the purposes of increment the period of service rendered from 5th November 1963 even though assumed to be temporary throughout, cannot be ignored. He had remained in continuous employment from this date, the 5th November 1963, without any break in service. The Bank treated the service prior to 1st February 1965 for purposes of increment and in fact had allowed him increments both before and after his appointment as a probationer from 1st February 1965. There is no direction one way or the other either in the Sastry Award or the Desai Award or even in *Bi-Partite* settlement what would happen in a case of a temporary employee who is absorbed as a probationer, in the matter of increments. There is no justification to deprive him of the benefit of his service when it had been a continuous one in the matter of increments. As a matter of fact, the Bank is now estopped from contending that the service rendered before 1st February 1965 in temporary capacity by Sri Anand will be ignored and his service shall be counted only from the date on which the Bank appointed him as a probationer on 1st February 1965. The Bank itself had treated his past service for his increments and it does not lie in the mouth of the Bank now to contend otherwise. It is, therefore, held that even if the service rendered prior to 1st February

1965 was temporary, it has to be counted and accounted for in the matter of increments.

*Issues No. 3, 4 and 5.*—It is not necessary to go into the question whether the service rendered prior to 1st February 1965 should be deemed to be temporary or otherwise as in view of my finding on the preceding issue that even though the service rendered is treated as temporary, Sri Anand would be entitled to increment for all the past period of his service. It was admitted by both parties that *Bi-partite* settlement dated 19th November 1966 has no application to the facts of this case. Issues are therefore, left undecided.

*Decision:*—

The result is that action of the management in ordering recovery of the amount paid is unjustified and for purposes of increments the past service rendered prior to 1st February 1965 shall be counted in favour of Sri M. L. Anand. The Union, M. P. Bank Employees Association, will be entitled to Rs. 100/- as costs from the Bank.

(Sd.) G. C. AGARWALA,  
Presiding Officer.  
23-5-68.

[No. 51/66/67/LRIII.]

*New Delhi, the 13th June 1968*

**S.O. 2205.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following Award of the Central Government Industrial Tribunal, Bombay in respect of a complaint under section 33A of the said Act filed by Shri V. R. Sabnis, Senior Technical Officer, Air India, which was received by the Central Government on 4th June 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

COMPLAINT No. CGIT-9 of 1968

(Arising out of Reference No. CGIT-26 of 1967)

**PARTIES:**

V. R. Sabnis—*Complainant*

*V/s*

Air India Corporation, Bombay—*Opp. Party.*

**PRESENT:**

Shri A. T. Zambre, Presiding Officer.

**APPEARANCES:**

*For the Air India*—Shri P. P. Khambhata, Counsel with Shri S. K. Wadia, Solicitor, and Shri T. V. Lalwani, Industrial Relations Adviser, and Shri P. D. Baliwala, Deputy Engineering Manager.

*For the complainant*—Shri Venkata Ramanayya Sabnis.

**STATE:** Maharashtra

**INDUSTRY:** Airways.

*Bombay, the 24th May 1968*

### AWARD

This is a complaint by one Shri V. R. Sabnis, against the management, Air India Corporation under Section 33A of the Industrial Dispute Act, 1947 and the circumstances under which it has been filed may be stated in brief as follows:—

The All India Air Craft Engineers' Association had made a demand to the management that no one except the Aircraft maintenance employed by Air India should be required to be allowed to inspect or certify the maintenance or overhaul of an aircraft or its components or do both in terms of the agreement between the Corporation and the Association. The management have not accepted the claim made by the members of the Association and have contended that the terms in the agreement have nothing to do whatsoever with the inspection and certification of an aircraft and equipment and had contended that the employment of

approved inspectors at the workshop of the Corporation at Santa Cruz was a long practice followed since 1948 and was in accordance with the Director General of Civil Aviation's requirement for approved inspection system. The dispute could not be settled and the employees had also resorted to strike and finally the matter is referred to this tribunal. The complainant Shri V. R. Sabnis who was the Senior Technical Officer in the scale of Rs. 1000—100—1500 drawing a salary of Rs. 1200/- was alleged to have taken part in the illegal strike and was proceeded for misconduct, on three charges:—

- (a) Wilful and disobedience
- (b) Absence from duty without permission
- (c) Aiding and abetting an illegal strike,

and as a result of the Departmental Enquiry, the General Manager had dismissed him *vide* order No. GM/74-15(B)/6214 dated 17th November 1967 which was communicated to him through the Personnel Manager. The complainant thereafter preferred an appeal against the order of dismissal. The Chairman of the Corporation the appellate authority accepted the findings of the Enquiry Officer regarding misconduct, but considering the good record of service of the complainant, modified the penalty and passed an order reducing him in the scale of Rs. 750—50—1000 on 21st February 1968. Now by this complaint, the workman has alleged that he was directly concerned in the dispute pending before this tribunal under reference No. CGIT-26 of 1967. The departmental enquiry held by the Corporation was merely an off-shoot of the strike undertaken by the workmen which resulted in the reference pending in CGIT-26 of 1967. The Corporation had not obtained previous permission of the tribunal. The enquiry was illegal, *malafide*, unjust. It was opposite to cannons of natural justice and the same should be set aside.

2. After this complaint, notices were issued to the parties. But subsequently the tribunal received a letter purporting to have been sent by the complainant requesting the tribunal to permit him to withdraw the said complaint. After the letter, again notices were issued to both the parties.

3. The complainant who is present admits that he had sent the letter and requested the tribunal to permit him to withdraw the complaint. The management has also no objection. The complainant does not press the complaint, and it shall have to be held that the management has not contravened the provisions of Section 33 of the Industrial Dispute Act and the complainant is not entitled to any relief. Hence my award accordingly.

No order as to costs.

Copy of this award is to be submitted to Government as required by law.

(Sd.) A. T. ZAMBRE,

Presiding Officer,  
Central Government Industrial Tribunal,  
Bombay.  
[No. 4/163/67/LR/II.]

**S O. 2206.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award Part I of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the management of Messrs Companhia Mineira Dempo and Souza Limited, Panjim, Goa and their workmen, which was received by the Central Government on the 4th June, 1968.

**BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY**

REFERENCE No. CGIT-7 OF 1966

**PARTIES:**

Employer in relation to the Management of Messrs. Companhia Mineira Dempo and Souza Ltd., Panjim, Goa.

AND

Their workmen.

**PRESENT:**

Shri A. T. Zambre, Presiding Officer.

**APPEARANCES:***For the Employer.*—Shri Rele, Solicitor.*For the Union.*—Shri Madan Phadnis.**STATE:** Goa**INDUSTRY:** Mining.*Bombay, the 23rd May 1968***AWARD Part 1**

The Government of India, Ministry of Labour, Employment and Rehabilitation has by its order dated 4th March 1966, file No. 24/2/66-LR.I. referred to this Tribunal an Industrial Dispute existing between the employers in relation to the Management of M/s. Companhia Minera Dempo & Souza Ltd., Panjim, Goa and their workmen under sub-Section 2 of Section 10 of Industrial Dispute Act of 1947 in respect of the matter set forth in the following schedule:—

**SCHEDULE**

“Whether the claim of the said union for bonus for the year 1962 on behalf of the workmen employed by the said company at their Iron Ore Mines at Bicholim is justified? If so, from what date and to what extent”.

2. The circumstances under which the present reference has been filed may be stated in brief as follows:—

The territory of Goa which was under Foreign domination for hundreds of years was liberated on the 19th of December 1961 and became the integral part of India. The Goa, Daman and Diu (Administration) Act 1962 had declared 20th December 1961 as the appointed day and the people of Goa acquired all the rights assured to the citizens under the Constitution of the Indian Union.

3. The employers, Companhia Minera Dempo & Souza Ltd., Panjim, Goa (hereinafter for the sake of brevity referred to as “the company”) are a limited company carrying on mining operations in the Bicholim Region of Goa, and workmen involved in this reference are in their employment as miners. The workers have alleged that the period from 1959 to 1962 was a peak period in the mining export trade and the mining companies including the employers in this reference made huge profits. While the workmen who toiled in the blazing sun and rain and earned these profits were paid only a pittance, The workmen became conscious of their new rights, made bold to write to the Management of collective demand for bonus for the year 1959, 1960 and 1961 on 22nd of June 1962 and also observed 30th June 1962 as ‘bonus day’. There was however no response from the Management. In the month of October 1962, the workmen formed themselves into an Organisation with the Working Committee of the workers and a demand of 13 points was submitted through the Chief Engineer, Bicholim Mines to the company. In point No. 11 of this Petition of demands the workers have demanded to the company the bonus for the year 1959, 1960 and 1961. Negotiations were going on between the representatives of the workers and the company throughout the latter months of 1962 and the first half of 1963, in the course of which the workers made further demand for bonus for the year 1962 which had become due.

4. Therefore, the company appointed a Labour Welfare Officer who together with the Chief Engineer, Bicholim Mines, held direct negotiations with the representatives of the workmen. A meeting was held on the 12th September, 1963 between the Management and the workers but the Management shelved the question of bonus. The workers through the Goa Mining Labour Welfare Union again raised the question of Bonus for the years 1959, 1960 and 1961, 1962 and 1963 and on the 23rd June 1964 there was an agreement between the employers and the workmen under Section 12(3) of the Industrial Dispute Act 1947 under which the workmen withdrew the demand of bonus for the three years 1959, 1960 and 1961 and agreed that the question about bonus for 1962 should be referred by the Conciliation Officer Central, Vasco Da Gama to the Ministry of Labour and Employment and hence this reference under sub Section 10(2) of the Industrial Dispute Act 1947.

5. The Goa Mining Labour Welfare Union which represents the workmen in this reference has by its written statement contended that the company has made huge profit during the year in question, i.e., during the financial year 1962. But the figures of the profits were not made available to the Union nor

were the profits shared with the workers. Considering the fact that the company has made huge profit and earned surplus amounts the workmen were entitled to bonus equal to 3 months' salary for the year in question.

6. The employers by their written statement admit that the company is doing mining operations and has employed 406 employees and about 370 were covered by the present reference. The financial year of the company is from 1st January to 31st December of every year. But they have opposed the reference on the plea that the Tribunal has no jurisdiction to decide the reference regarding the workmen's claim for the payment of bonus for the year 1962 contending that Industrial Dispute Act under which the reference has been made was made applicable to Goa on 19th December 1962 i.e. only about 11 days prior to the close of the accounting year in question and the period prior to the introduction of this Act was not and could not be governed by the Provision of the Industrial Dispute Act and to that extent the reference was outside the purview of this Tribunal. Regarding the balance period they have contended that no claim for bonus can be sustained for only 11 days as for payment of bonus it is the whole financial year which is to be taken as unit and bonus cannot be claimed for a part or a fraction of the year. It was further contended that the workmen had made the demand of bonus for the year 1962 for the first time by their charter dated 22nd April, 1964. It was a belated and stale demand and granting the claim would upset accounts of the company which have been closed more than 3 years ago and as the workmen were guilty of laches and gross delay they were not entitled to claim any bonus.

7. The Union has by their rejoinder further contended that the reference was made as both the parties agreed and jointly applied for it. There was a settlement agreed before the Conciliation Officer under Section 12(3) of the Industrial Dispute Act, wherein the Union gave up the claim for bonus for the 3 years 1959, 1960 and 1961 on the understanding that bonus for 1962 would be considered and the company was stopped from raising the contention regarding jurisdiction at this stage.

8. The Union by an application requested the Tribunal to direct the company to furnish some information and to produce various documents such as balance sheet and statement of the profit and loss account for the year 1962, the amount of bonus charge to the extent for the year, average pay bills, etc. The company did not produce the document but in reply gave an application that they had raised an objection to the jurisdiction of the authority and the preliminary issue whether this tribunal has jurisdiction to decide the question of bonus for the year 1962", should be decided first. Accordingly both the parties were heard.

9. It is not in dispute that the territory of Goa became the integral part of India on liberation on the 19th of December 1961 and the people of Goa acquired all the rights assured to the citizens under the Constitution of India. It is also not disputed that the Industrial Dispute Act, 1947 was made applicable to Goa under the Goa, Daman and Diu (Laws) Regulation, 1962 from 22nd November, 1962 promulgated by the President in the Gazette of India. The financial year of the company is from 1st January 1962 to 31st December 1962 and it is clear that almost during that year the Industrial Dispute Act was not in force and the question is whether this tribunal has jurisdiction to decide the dispute which has some reference to the period prior to the introduction of the Act.

10. The Learned Counsel Shri Rele who represents the management has relied upon the ruling reported in 1955 (1) L.L.J. at page 1, between Muir Mills Ltd. and Suti Mill Mazdoor Union; and (2) 1959 (1) L.L.J. at page 644 between Associated Cement Companies Ltd. and their workmen, and has argued that the workmen in India can claim bonus under the Industrial Dispute Act only under certain conditions. The bonus is a creation of the Indian Law. The Industrial Dispute Act was not applicable to Goa prior to 19th December, 1962. There was also no such law when the territory was under the domination of the Portuguese Government. The workmen there had no right to claim any share in the profits of the business to them. The workers got the right only on introduction of the Act on 19th December, 1962 and declaring the workers to be entitled to the bonus for that year will amount to divesting the Directors of the profit appropriated to themselves and the Industrial Dispute Act cannot be construed retrospectively. The Notification published in the Gazette of India does not indicate that the Industrial Dispute Act has been made applicable with retrospective effect and this Tribunal has no jurisdiction to declare bonus in favour of the workers for the period before the Act. The Learned Counsel has also read over some passages from Maxwell and has argued that the substantive rights

created under any statute are always perspective and cannot be construed retrospectively. There is nothing in the notification showing an intention to make the act applicable with retrospective effect and this tribunal has no jurisdiction to decide the dispute about the bonus for the year, 1962.

11. I do not think that the contentions raised have any material relevant to decide the question about the jurisdiction of the Tribunal. This Tribunal has been constituted under Section 7 (A) of the Industrial Dispute Act of 1947 which provides in effect that the appropriate Government may constitute one or more Tribunals for the adjudication of Industrial Disputes relating to the matters specified in the Schedule, and if the matter referred to this Tribunal for settlement amounts to the Industrial Dispute relating to the subject mentioned in the Schedule, this Tribunal will have jurisdiction to decide the same. It is not dispute that the question of the payment of bonus is one of the items in the 3rd Schedule and is one within the purview of this Tribunal, and if the matter referred to is an Industrial Dispute, this Tribunal will have jurisdiction to decide the same.

12. It is not dispute that the workmen in question have demanded from the management the bonus for the year 1962. The company has not acceded to this demand. Thus there is difference between the employers and employees, regarding the item of bonus. An Industrial Dispute has been defined in Section 2(k) of the Act which provides that Industrial Dispute means any dispute or difference between employers and employees or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour of any person and clearly the difference or dispute between the employers and the workmen amounts to an Industrial Dispute and this tribunal will have jurisdiction to decide the question of bonus.

13. The mere fact that the demand of bonus includes bonus for the period prior to the Act was made applicable will not make any difference regarding the jurisdiction of the Tribunal. Section 10 of the Industrial Dispute Act provides that where the appropriate Government is of opinion that any Industrial Dispute exists or is apprehended, it may at any time, by order in writing refer the dispute or any matter appearing to be connected with or relevant to the dispute to the tribunal for enquiry. The Section merely requires that there must be an Industrial Dispute in existence and as the bonus dispute raised by the present workers was in existence and pending this Tribunal will have jurisdiction to decide the same.

14. While stating the facts, I have mentioned the history of the demands made by the workers employed by the company. In their written statement, the workers have made it clear that they had made a collective demand signed by the majority of workers on the 29th of June 1962 and claimed bonus for the years 1959-1960 and 1961, and had also observed the 30th June 1962 as 'Bonus Day'. The negotiations were going on about this demand during the latter months of 1962 and first half of 1963 and thereafter they had further demanded the bonus for the year 1962 after 30th of June.

15. These demands were under consideration of the company. The Company appointed a Labour Welfare Officer and ultimately shelved the question of bonus and in effect refused the demand. It is clear that the demand was in existence on 19th of December 1962 when the act was brought into force. It was also in existence when the reference was made. Law merely requires the reference to be in respect of an Industrial Dispute. The condition required is in respect of the nature of the dispute. There is no question as to when and how that dispute arose but from its existence and continuance and it shall have to be held that this tribunal has jurisdiction to decide this dispute of bonus.

16. It is true that before the introduction of the act i.e. prior to Industrial Dispute Act on 19th December 1962. There was no any Industrial Law existing in force in the territory of Goa. However, it is not any dispute that even before that date the workmen were in the employment of the company. There was a relationship between the parties and as the company has made huge profit the workmen claimed the bonus. Moreover, the financial year of the company ends on the 31st of December of every year. Even accepting the contention of the company about the bonus unit of one year, it shall have to be held that the bonus for the year 1962 would be due and could be claimed after the closure of the accounts i.e., after 31st of December, 1962. At that time the Act was in force and the contention that bonus cannot be claimed as the act was not in force is without any substance. Moreover, I do not think

that the existence of any statute entitling the workmen to claim bonus is a condition precedent for raising a dispute and making the demand for bonus. It is common knowledge that even in India there was no statute entitling the workmen to claim bonus as a matter of right before the bonus act.

17. It will not be out of place to state here the observations of his Lordship Horwill J. in the ruling Bhakthavatsaly Nayudu, Industrial Tribunal Madras, 1949 (1) L.L.J. page 8 that "The purpose of the legislation enacted in Act XIV of 1947 is to settle disputes that arise between the workers and the management which if not settled, would result in a strike or lock-out, and dislocation of business essential to the life of the community. It is very rarely that such disputes relate to the infringement of existing contracts between the management and the workmen. In almost every case, the workmen are agitating for a higher standard of living, generally conceded by the Community to be permissible for workers as well as for those in more comfortable circumstances. The most frequent cause of strike is a refusal by the management to increase wages beyond those agreed upon when the workers were first employed. .... The above and other matters for which workmen agitate are not ordinarily to be found in the terms of the contract of employment. They demand for something beyond the terms of the agreement between the parties, to meet the ever advancing ideals of the public with regard to the conditions under which the employees should work."

18. In view of these observations, I do not think that mere fact that there was no law in existence entitling the workers to claim bonus before 19th December, 1962, would come in the way of the jurisdiction of this Tribunal.

19. The contention that by granting the bonus to the workers for the year 1962 and directors would be divested of these profits appropriated by them and their substantive rights will be effected, is also in my opinion without any foundation. The so called directors are not parties to this Tribunal. The allegations of the workers that they had made demand for bonus on the 22nd June, 1962, and had observed 30th June as 'Bonus Day' are not also denied, and the company would not fail to make proper provision in that respect. The company is a running concern and if by the result of this reference the company is required to pay some bonus to workmen, it will not amount to divesting any party. I have already mentioned the history of the demands for bonus for the years 1959-1960, 1961, 1962 and 1963. It is also clear from the record that by joint statement signed by both the parties, they have agreed to refer this matter to this Tribunal and there is no substance to the contention about distribution of profits and divesting the party. In any way this will not effect the jurisdiction of this Tribunal.

20. It was further argued that the financial year of the Company is from 1st January to 31st December. The workers have made demand for the bonus for the year 1962 and the same was delayed. The Learned Counsel has also invited my attention to the ruling quoted in 1957 (1) L.L.J. at page 282, Mysore City Hostel Association and Labour Tribunal and has argued that the present demand has been made through charter dated 22nd April, 1964, and it cannot be considered. Shri Phadnis on behalf of the workers has argued that the workmen had been making demands continuously from the year 1962 and there is no question of any delay. It is further argued that the ruling quoted in 1957 (1) L.L.J. does not lay down good law and it is not also applicable to the present case.

21. I have already observed that the workmen had in the month of June, 1962, made demands for bonus of the previous 3 years and during negotiations in the year 1963, demanded the bonus for 1962. There is no question of any delay. Even according to company, the demand was first made on 22nd April, 1964, i.e., 15 months after the end of the year in question and I do not think it to be a such delayed demand. The ruling relied is in respect of the partnership accounts. It is not known whether demands were made earlier as in this case and it will not be applicable.

22. For the reason stated above, I have held that this Tribunal has jurisdiction to decide the question of bonus to the workers for the year 1962. There is also no question of delay. The reference will therefore be proceeded with on merits and a date will be fixed for hearing the parties on the workmen's application regarding direction for production of documents by the management.

Sd./- A. T. ZAMBRE,

Presiding Officer,

Central Government Industrial Tribunal,  
Central Government Industrial Tribunal,

[No. 24/2/66-LRI.]

**S.O. 2207.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the management of Kalyanarama Mica Mine, Kalichedu, Rapur Taluk, Nellore District and their workmen, which was received by the Central Government on 1st June, 1968.

**BEFORE THE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH, HYDERABAD**

**PRESENT:**

Sri Mohammad Najmuddin, M.A., B.L., Chairman. Industrial Tribunal, Andhra Pradesh, Hyderabad.

**INDUSTRIAL DISPUTE No. 12 of 1968**

**BETWEEN**

Workmen of Kalyanarama Mica Mine, Kalichedu, Rapur Taluk, Nellore District.

**AND**

Employers of Kalyanarama Mica Mine, Kalichedu, Rapur Taluk, Nellore District.

**AWARD**

The Government of India in its Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) had, by order F. No. 20/1/68-LRI dated 1st March, 1968, referred this dispute to me for adjudication. The issue as per schedule annexed to the notification is this:

Whether the action of the management of Kalyanarama Mica Mine, Kalichedu, in terminating the services of Shri Kootla Ankaiah, underground mazdoor, with effect from 10th September, 1967, was justified? If not, to what relief is he entitled?

The Andhra Pradesh Mica Labour Union, Gudur, is party to the reference. The statement of claims was filed by and under the signature of Mr. C. C. Subbiah, General Secretary of that union. The claimant, Kootla Ankaiah, was underground mazdoor in the employ of the Management of the Kalyanarama Mica Mines, Kalichedu. On charges of misconduct of assaulting an officer of the Mines and of turning up for duty in a drunken condition, the Management had held domestic enquiry, and on the charges being said to have been proved, his services were terminated as from 16th September, 1967. It is stated in the statement of claims that the Management had victimised Kootla Ankaiah for his trade union activities. The Management filed counter to say that the domestic enquiry was fair and that the charges were true and have been established as such. That counter was filed by and under the signature of Mr. C. Seetarama Sastry, Agent, Sri Kalyanarama Mica Mines.

2. This case stood posted for enquiry on the 20th of this month. Neither party turned up. A telegram was received to say that the dispute has been settled out of court and that the requisite Memorandum of Settlement would follow. The names of C. S. Sastry and C. C. Subbiah are given in the telegram as having jointly sent it. I called the case to this day for receipt of the Memorandum of Settlement. It is received. It is signed by Mr. C. C. Subbiah who is the General Secretary of the Andhra Pradesh Mica Labour Union and by Mr. C. S. Sastry who is Agent of the employer Mines. The claimant, Kootla Ankaiah, had put his thumb impression to it. Two witnesses had attested it. The first is Mr. C. Jayaramaiah. The signature of the second witness is not legible. By this settlement the Management had agreed to pay compensation of Rs. 467 to the claimant in full satisfaction of his claim, and the order removing him from service is agreed to stand. The provision of law under which this settlement is arrived at is not stated in the Memorandum of Settlement. It should be presumed to be under Section 18(1) of the I.D. Act. I am satisfied that the settlement is fair and equitable between the parties.

3. Award is herewith passed in terms of the Memorandum of Settlement dated 24th May, 1967, a copy whereof is appended hereto.

Given under my hand and the seal of the Tribunal, this the 27th day of May, 1968.

Industrial Tribunal.

## BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL), HYDERABAD

*Form of Memorandum of Settlement*

INDUSTRIAL DISPUTE No. 12 of 1968

## BETWEEN

Kootla Ankalah, Underground Mazdoor, Sri Kalyanarama Mica Mine, Kalichedu, represented by Sri C. C. Subbaiah, General Secretary, Andhra Pradesh Mica Labour Union, Gudur, Nellore Dist.

## AND

The Management, Shri Kalyanarama Mica Mine, Kalichedu.

Whereas an Industrial Dispute is referred in the above matter under I.D. 12 of 68 before this Hon'ble Tribunal with regard to the termination of the services of the workman Sri Kootla Ankalah by the Management as per its order dated 16th September, 1967;

And whereas the Management has filed their counter statement in the above matter and the same is pending disposal;

And whereas the enquiry took posted to 20th May, 1968, and parties having settled the matter and intimated the same through the telegram and letter dated 17th May, 1968;

And whereas the Hon'ble Tribunal intimated the parties for filing the settlement in proper form through the communication dated 20th May, 1968, both the parties do hereby agree and file this settlement for recording the same in the above Industrial Dispute.

*Terms of Settlement*

1. The dismissal order of the workman by the management is agreed to be confirmed.

2. That the management has agreed to pay compensation of Rs. 467 (Four hundred and sixty-seven rupees only) in full quits of all the claims of the workman and the worker having received the said amount on 17th May, 1968, do hereby agree for dismissal of the Industrial Dispute No. 12 of 1968, referred supra without costs.

3. Hence both the parties pray that in terms of the above settlement I.D. No. 12 of 1968, may be dismissed without costs.

*Signature of the Parties:*

1. Sd./- C. C. SUBBALAH,  
General Secretary,  
A.P.M. 24-5-1968.
2. Sd./- C. S. SASTRI,  
Agent, Sree Kalyanarama Co.,  
24-5-1968.
3. L.T.I. of Kootla Ankaiah.

*Witnesses:—*

1. Sd./- C. JAYARAMAIAH,  
24-5-1968.
2. Sd/- Illegible  
24-5-1968

[No. 20/1/68-LRI.]

O. P. TALWAR, Under Secy.

**(Department of Labour and Employment)***New Delhi, the 11th June 1968*

**S.O. 2208.**—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of Central Jail Woollen Factory, Bhagalpur (Bihar), in an implemented area, hereby exempts the factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for the period upto and including the 15th April, 1969.

[No. F. 6(3)/68-HI.]

*New Delhi, the 12th June 1968*

**S.O. 2209.**—Whereas the Central Government was satisfied that M/s. Chandrapur Thermal Power Station D.V.C., P.O. Chandrapura and M/s. Bharat Industrial Works, D-134 Simra Tand, P.O. Patratu Thermal Power were situated in Chandrapura and Hesla areas respectively which were sparse areas (that is, areas whose insurable population was less than 500 each) in the district of Hazaribagh in the State of Bihar;

And, whereas, by virtue of their location in sparse areas, the aforesaid factories were granted exemption from the payment of the employers' special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), until enforcement of the provisions of Chapter V of the Act in that area by the Central Government by a notification of the Government of India in the Department of Social Security Notification No. S.O. 2999 dated 18th September, 1965;

And, whereas the Central Government is now satisfied that the insurable population of the areas in the district of Hazaribagh in the State of Bihar have now exceeded 500, and they are no longer sparse areas;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification, namely:—

In the Schedule to the said notification in serial number 2, the entries relating to Chandrapura and Hesla in Column 3 and the entries thereagainst in column 4 shall be omitted.

[No. F. 6/26/68-HI.]

**S.O. 2210.**—Whereas the Central Government was satisfied that:—

- (1) Workshop of Patratu Thermal Power Station,
- (2) Central Garage Patratu Thermal Power Station,
- (3) Arvind Construction Co.,
- (4) Shah Construction Co. Ltd, Patratu Thermal Power Station,
- (5) M/s. Modern India Construction Co.

were situated in Hesla area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Hazaribagh in the State of Bihar;

And, whereas by virtue of their location in a sparse area, the aforesaid factories were granted exemption from the payment of the employers' special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), until enforcement of the provisions of Chapter V of the Act in that area by the Central Government by a notification of the Government of India in the Department of Social Security notification No. S.O. 945, dated the 19th March, 1965;

And, whereas the Central Government is now satisfied that the insurable population of the Hesla area in the district of Hazaribagh in the State of Bihar has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification namely:—

In the Schedule to the said notification, in serial number 3, the entry relating to "Hesla" in Column 3 and the entries thereagainst in column 4 shall be omitted.

[No. F. 6/26/68-HI.]

**S.O. 2211.**—Whereas the Central Government was satisfied that Mechanical Workshop, Chandra Pura Thermal Power Station, D.V.C. was situated in Chandrapura area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Hazaribagh in the State of Bihar;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employers' special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), until enforcement of the provisions of Chapter V of the Act in that area by the Central Government by a notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 859, dated 13th March, 1963;

And, whereas the Central Government is now satisfied that the insurable population of the Chandrapura area in the district of Hazaribagh in the State of Bihar has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification, namely:—

In the Schedule to the said notification, in serial number 3, the entry relating to Chandrapura in column 3 and the entry thereagainst in column 4 shall be omitted.

[No. F. 6/26/68-HII.]

*New Delhi, the 13th June 1968*

**S.O. 2212.**—Whereas the State Government of Kerala has in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri P. Velayudhan Nair, Secretary to the Government of Kerala, Department of Labour and Social Welfare, to represent that State on the Employees' State Insurance Corporation in place of Shri C. K. Kochukoshy;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2551 dated the 9th August, 1966, namely:—

In the said notification, under the heading "(Nominated by the State Governments under clause (d) of section 4)" for the entry against item 12, the following entry shall be substituted, namely:—

"Shri P. Velayudhan Nair, Secretary to the Government of Kerala, Department of Labour and Social Welfare, Trivandrum."

[No. F.3/18/66-HI.]

*New Delhi, the 14th June 1968*

**S.O. 2213.**—Whereas the Central Government was satisfied that M/s. Motor Repairing and Servicing Station, Patratu Thermal Power Station was situated in Hesla area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Hazaribagh in the State of Bihar;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employers' special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government by a notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 911 dated 11th March, 1968;

And, whereas the Central Government is now satisfied that the insurable population of the Hesla area in the district of Hazaribagh in the State of Bihar has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification namely:—

In the Schedule to the said notification, in serial number 3, the entry relating to Hesla in column 3 and the entry thereagainst in column 4 shall be omitted.

[No. F. 6/26/68-HI-IV.]

*New Delhi, the 15th June 1968.*

**S.O. 2214.**—Whereas the State Government of Punjab has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri Paramjit Singh, Secretary to the Government of Punjab, Medical and Health Department, Chandigarh to represent that State on the Employees' State Insurance Corporation in place of Mrs. Sarla Grewal;

Now, therefore in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2551 dated the 9th August, 1966, namely:—

In the said notification under the heading "(Nominated by the State Governments under clause (d) of section 4)" for the entry against item 18, the following entry shall be substituted, namely:—

"Shri Paramjit Singh, I.A.S., Secretary to the Government of Punjab, Medical and Health Department, Chandigarh."

[No. F. 3/18/66-HI.]

**S.O. 2215.**—Whereas the Central Government has, in pursuance of clause (e) of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri S. N. Bose, Director, Bata Shoe Company Private Limited, Calcutta, to be a member of the Medical Benefit Council in place of Shri D. P. Mukherjee;

Now, therefore, in pursuance of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2893 dated the 27th September, 1966, namely:—

In the said notification, under the heading "[Nominated by the Central Government under clause (e) of sub-section (1) of section 10, in consultation with organisations of employers recognised by that Government]" for the entry against item (18), the following entry shall be substituted, namely:—

"Shri S. N. Bose, Director, Bata Shoe Company Private Limited, 30 Shakespeare Sarani, Calcutta-17."

[No. F. 3(20)/66-HI.]

DALJIT SINGH, Under Secy.

(Deptt. of Labour and Employment)

*New Delhi, the 12th June 1968*

**S.O. 2216.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the (1) Stevedores Association, Visakhapatnam, (2) Chair-planters in relation to the (1) Stevedores Association, Visakhapatnam, (2) Chair-planters, Visakhapatnam Dock Labour Board, (3) Messrs Balalal Mookerjee and Company (Private) Limited, Visakhapatnam, (4) Messrs E. C. Bose and Company (Private) Limited, Visakhapatnam, (5) Messrs H. K. Banerjee and Company, Visakhapatnam, (6) Messrs G. S. Murthy, Ch. Agastayya and Company, Visakhapatnam, (7) Messrs K. Ramabrahmam and Sons (Private) Limited, Visakhapatnam, (8) Messrs La Rive and Company, Visakhapatnam, (9) Messrs N. Selvarajulu Chetty and Company, Visakhapatnam, (10) Messrs Roy & Chatterjee and Company (Private) Limited, Visakhapatnam, (11) Messrs Sarat Chatterjee and Company (Private) Limited, Visakhapatnam, (12) Messrs South India Corporation (Agencies) Private, Limited, Visakhapatnam, (13) Messrs V. Dhanareddy and Company, Visakhapatnam, and their workmen, which was received by the Central Government on the 5th June, 1968.

## BEFORE THE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH, HYDERABAD.

## PRESENT:

Sri Mohammad Najmuddin, M.A., B.L., Chairman, Industrial Tribunal,  
Andhra Pradesh, Hyderabad.

## INDUSTRIAL DISPUTE No. 10 OF 1967

## BETWEEN

Dock Labour Board workers at Visakhapatnam Port.

## AND

Their Employers.

## APPEARANCES:

Sri B. G. M. A. Narsing Rao—for Dock Workers Union.

Sri V. Jagannadharao—for Port Khalasis Union.

Sri C. D. Panda—for Dock Labour Board.

Sri K. Srinivasamurthy—for Stevedores Association.

## AWARD

The Government of India in its Ministry of Labour, Employment & Rehabilitation (Department of Labour & Employment) had, by order No. 28(21)67-LR/III dated 13th April, 1967, referred this dispute to me for adjudication. The issue as per schedule to the Notification is this:

Whether the demand for payment of bonus to Dock Labour Board Workers employed at Visakhapatnam Port for the accounting years 1964-65, 1965-66 and 1966-67 is justified, and, if so, at what rate should such bonus be paid?

The workers referred to in the above issue, are those supplied by the Dock Labour Board, Visakhapatnam, to the Stevedore Companies there for work connected with loading and unloading of cargo by the Stevedore Companies. The Stevedores at Visakhapatnam have an Association of their own called Stevedores Association. That body is party to the reference, and the individual Stevedores also are party to the reference. The Dock Labour Board, Visakhapatnam, represented by its Chairman is party to the reference. Two Unions of workers are party to the reference. They are the Port Khalasis Union and the Dock Workers Union.

2. The statement of claims on behalf of the Port Khalasis Union was filed by and under the signature of Mr. P. Manavallayya Naidu who is President of that Union. The statement of claims on behalf of the Dock Workers Union is filed by and under the signature of Mr. B. G. M. A. Narsing Rao who is President of that Union. What is stated and claimed in these two statements of claim is more or less common. The Stevedores Association filed counter. The Visakhapatnam Dock Labour Board filed counter under the signature of its President.

3. The Dock Labour force at Visakhapatnam has a special set up of its own like what obtains at the Ports at Calcutta, Bombay, Madras and Cochin. I would here refer to the facts which are common ground between the parties, viz. The Stevedores Association, the Port Khalasis Union, the Dock Workers Union and Association, the Port Khalasis Union, the Dock Workers Union and the Visakhapatnam Dock Labour Board. The Dock Labour Board is a statutory body. The entire control supervision and direction of the dock workers rests with the Dock Labour Board, and the Stevedores have no say in any of such matters. The Dock Labour Board maintains a dock labour pool. The Shipping companies have their agents at Visakhapatnam. The Stevedores enter into contracts with the ship owners for loading and unloading cargo, and those contracts contain a clause in respect of the rate per ton of cargo payable to the concerned Stevedores who handle the loading or the unloading of the cargo. The shipping agent informs the concerned Stevedore about the ship that is arriving and about the nature and the quantity of cargo to be loaded or unloaded. Thereupon the Stevedore communicates with the Dock Labour Board stating the quantity of cargo to be loaded or unloaded, and places an indent with it stating the requirement with regard to labour force. Thereupon the Dock Labour Board supplies the labour force as indented, and along with each gang of workers the Board deputes two supervisors, viz., the loading mazdoors and the tindal. These two are part of the gang. The Stevedore has one Foreman for the entire operation, whether loading or unloading. His duty is of a corrective nature, i.e., to see that the cargo is

not damaged and that there is proper handling of the cargo. He is an employee of the Stevedore. Some times the Dock Labour Board may not be able to supply the full requirement of workers to the Stevedores, but the latter cannot engage outside labour to make up the short fall in the labour force supplied by the Dock Labour Board. The Stevedores have to make do with the labour force supplied. The Stevedores pay to the Dock Labour Board for the services of the workers supplied by it. Over and above what is so paid, an amount of Rs 105 per Rs. 100 of actual wage is levied by the Dock Labour Board and paid by the Stevedores. That levy is known as General & Welfare Levy. It is fixed by the Dock Labour Board from time to time. It is this levy of 105 per cent that constitutes the sole financial resources of the Dock Labour Board from out of which it makes payments to, or for, the workers. If any particular gang is not doing the work properly or if any worker in the gang is guilty of any misconduct, the concerned Stevedore cannot take any disciplinary action. He can only complain to the Dock Labour Board, and it is the latter that would take the required disciplinary action initiated by charge-sheets filed by the Labour Officer of the Board. It is the Dock Labour Board that fixes the number of workers in the workers pool. They are recruited by the Dock Labour Board. It is the Board that fixes the rates of wages to be paid by the Stevedores, and it is the Board that pays the workers. It also pays the provident fund contribution for the workers, and pays them gratuity on retirement. It also provides the medical and welfare benefits to the workers, and pays them attendance money and compensation under the Workmen's Compensation Act. All these charges are met by the Board from the levy. Dearness allowance and interim relief are also paid by the Board and are met from the levy. It is of significance to note the fact that there is no continuity of work in respect of any gang under any one Stevedore. A particular gang that had worked for one Stevedore today might be working for another Stevedore the next day. Indeed, it could happen that one gang would work for one Stevedore for part of a day and work for another Stevedore for the other part. This aspect of dock labour employment has a bearing upon the question as to who should pay the bonus claimed on behalf of the dock labour workers.

4. In the paragraph above I have set out the unquestioned facts and the circumstances in the set up of dock labour employment. The claimants claim bonus for the three years mentioned in the issue, and they claim that it should be paid by the Stevedores. They claim that it should be paid on the same basis as adopted at the other Ports, viz., Calcutta, Bombay, Madras and Cochin. This reference was made by the order of the Government of India dated 13th April 1967. Subsequent to the reference there was an agreement Ex. 114 dated 27th April 1967, the parties to it being the Chairman of the Visakhapatnam Dock Labour Board and the two Unions. According to that agreement the Board agreed to make interim payment of Rs. 50/- for each of the three years under claim to lower categories of workers and Rs. 60/- similarly to higher categories of workers. For the rest, it is provided in that agreement that whatever more is payable following the award that is to be passed, would be paid. That agreement is referred to in the two statements of claim, and it is pointed out that seeing that there is such an agreement, it was not any more open to any one to contend that the workers were not entitled to bonus for the three years under claim.

5. It is pointed out in paragraph 10 of the counter filed by the Stevedores Association that the bonus referred to in the issue in the reference would really mean profit bonus, but that what the Union seem, on the other hand, to be demanding as per statements of claim is "deferred or additional wage". The demand that is thus said to have been actually made is said to be outside the scope of the reference, and it is pointed out that on this ground alone the demand should be rejected. The further case of the Stevedores is that there is no employer-employee relationship between the Stevedores and the Dock Labour Workers and that any bonus that is payable has to be paid by the Dock Labour Board because, having regard to the admitted facts in the case, it is the Board that is the employer of the dock labour workers. Lastly, it is stated that the Stevedores have unnecessarily been made party to the dispute because they are not the employers of the dock workers.

6. It is pointed out in the counter filed by the Dock Labour Board that it is the Stevedores who are the employers of the dock workers and not the Dock Labour Board because it is the work of the former that the dock workers do. It is stated that any bonus that is payable should be paid by the Stevedores. The counter filed by the Dock Labour Board does not gainsay the claim to bonus made by the workers. I had earlier referred to the agreement dated

27th April 1967 between the two Unions on the one side and the Dock Labour Board on the other. The Stevedores Association is not as such party to that agreement. Lest it should be held on the analogy of that agreement that the bonus that may be directed to be paid by the award that would follow, shall be paid by the Dock Labour Board, it is explained in paragraph 3 of the counter that what was so paid was not interim bonus but was interim payment. It is further explained that the said agreement had to be entered into with the Unions so as to end a protracted strike by the workers. It is pointed out that that agreement would not imply any liability on the part of the Dock Labour Board to pay bonus to the dock workers. Like what the Stevedores Association has said in its counter, the Dock Labour Board says in its counter that it was not necessary party to the reference.

7. One witness was examined as W.W. 1 on the side of the workers. He is Mr. P. M. Naidu, President of the Port Khalasis Union. One witness was examined as M. W. 1 on behalf of the Stevedores Association. He is Mr. D. Banerjee, Honorary Secretary of the Stevedores Association, Visakhapatnam. One witness was examined as M. W. 2 on behalf of the Dock Labour Board. He is Mr. D. Panda, Deputy Chairman of the Dock Labour Board. Exs. W1 to W8 were marked on the said of the claimants. Exs. M1 to M19(g) Exs. W1 to W8 were marked on the side of the claimants. Exs. M1 to M19(g) Board. I will refer to the relevant documents during discussion of the evidence. I heard arguments from Mr. Vedula Jagannadharao and B. G. M. A. Narsing Rao on behalf of the Port Khalasis Union and the Dock Workers Union respectively, of Mr. K. Srinivasamurthy on behalf of the Stevedores Association and of Mr. D. Panda on behalf of the Dock Labour Board.

8. It is stated in the counter filed by the Stevedores Association that the expression "bonus" appearing in the issue in the reference would really mean profit sharing bonus and that therefore such a claim would not be competent because that is precluded by Section 32 of the Payment of Bonus Act, 1965. It is no doubt true that Section 32 of the Bonus Act enacts that nothing in the said Act shall apply, among others, to employees registered or listed under the Scheme made under the Dock Workers (Regulation of Employment) Act 1948, and employed by Registered or Listed Employers. But what is claimed by the workers as per the reference is not profit sharing bonus but it is tonnage bonus. That such is the nature of the bonus claimed, is clear from the statements of claim filed by the two Unions that are party to the reference. Tonnage bonus is paid in the Ports at Calcutta, Bombay, Madras and Cochin under agreements entered into at those places. Those agreements are referred to and canvassed in the two statements of claim. That being so, it cannot be said that the bonus under claim should be deemed to be profit sharing bonus. Seeing that what the workers claim is tonnage bonus, there is no question of the applicability of the bar as provided in Section 32 of the Bonus Act. It is stated in paragraph 10 of the counter filed by the Stevedores Association that what the Unions seem to demand is deferred or additional wage, and that therefore such a demand would be outside the scope of the reference. I do not agree with the Stevedores Association in the approach it makes as above. Bonus, of whatever nature it may be, is not either deferred or additional wage. Wage is something that is fixed for the time being. Bonus could be variable, such as profit sharing bonus, incentive bonus or production bonus. What is claimed in the two statements of claim is tonnage bonus, but not bonus which is akin to either deferred wage or additional wage. The characteristic set up of dock labour employment is such that by and large it is tonnage bonus that could be claimed, i.e., bonus for the tonnage handled in loading or unloading of cargo. This fact was recognised by the Bonus Commission, and it had found that Stevedoring is a flourishing industry. The prosperity of the Stevedores at the rapidly expanding Visakhapatnam Port could be no less than of the Stevedores either at Calcutta, Bombay, Madras or Cochin. Mr. Banerjee, M. W.1, who is the Secretary of the Stevedores Association, Visakhapatnam, does not say that the Stevedores there do not make profits. I am referring to this aspect not because what the workers claim in profit sharing bonus. I am referring to it because the dock workers at the Visakhapatnam Port are entitled to tonnage bonus just as it is paid under agreements at the other Ports in the country. What the dock workers claims as bonus could, in its nature, be only tonnage bonus because while loading or unloading cargo, any particular gang or gangs are not working continuously for a given period for a particular Stevedore, I had earlier referred to this particular characteristic of the set up of dock labour employment. Therefore, it has to be on the basis of the tonnage handled that the bonus has to be paid to the dock workers.

9. The Stevedores Association says in its counter that it was not a necessary party to the reference, and so does the Dock Labour Board in its counter. The reason for the Stevedores Association taking that stand is that there is no employer-employee relationship between the Stevedores and the dock workers, and that it is the Dock Labour Board that is the employer of the dock workers. The reason advanced by the Dock Labour Board for saying that it is not a necessary party to the reference is that it is the Stevedores who are the employers and that any bonus that is payable is to be paid by them and not by the Dock Labour Board. I have no hesitation in finding that both the Stevedores Association and the Dock Labour Board are essential parties to the reference. Earlier in this award I have set out the various facts about which there is no controversy. From those facts, the conclusion that flows is that it is the Dock Labour Board that is the employer of the dock workers. The Dock Labour Board collects from the Stevedores the wages payable by them to the dock workers and pays it to that dock workers. The Dock Labour Board also collects the levy of 105 per cent upon it from the Stevedores. There can be no doubt that the Dock Labour Board is an essential party to the reference. At the same time, the Stevedores also are essential party to the reference. That is because of the characteristic set up of dock labour employment. The Stevedores indent their requirements of dock labour from the Dock Labour Board. It is the Stevedores who pay wages, although not directly to the dock workers. It is the Stevedores who pay the levy of 105 per cent on the wages. They pay that levy to the Dock Labour Board. The Stevedores are vitally interested in the claim for tonnage bonus put forward by the dock workers because ultimately it is they who have to foot the bill as additional levy made by the Dock Labour Board. There can therefore be no doubt that the Stevedoring Companies at Visakhapatnam, either individually or through the Stevedores Association, are essential party to the reference.

10. Now we come to the claim proper. I have no hesitation in holding that the dock workers at Visakhapatnam are entitled to tonnage bonus for the three years under claim, viz., 1964-65, 1965-66 and 1966-67. Such a claim was first put forward by the demand Ex. W3 dated 31st May, 1964. That document is proved by W.W. 1 Mr. P. M. Naidu who is the President of the Port Khalasis Union. That demand was made on the basis of the agreement Ex. W6 dated 30th June 1962 arrived at Bombay between the Stevedores Association and the Transport and Dock Workers Unions there. The claim as per Ex. W3 was presented to the Stevedores Association Ex. W7 dated 25th May 1966 is the demand for the year 1965-66. That was addressed by W.W. 1 Mr. P. M. Naidu, President of the Port Khalasis Union, to the Stevedores Association and to the Dock Labour Board. It was also addressed to the Chairman, Visakhapatnam Port Trust and to the President, Visakhapatnam Steamship Agents Association. This was followed by conciliation proceedings before the Assistant Commissioner of Labour (Central), Visakhapatnam. That meeting was attended by Mr. G. K. Gopal Rao, Executive Officer of the Dock Labour Board, and by Mr. D. Banerjee, Secretary, Stevedores Association. The workers were represented by Mr. P. M. Naidu. Ex. W2 dated 5th July 1966 is minutes of that meeting. Mr. Gopal Rao had taken the stand that the matter does not as such directly concern the Dock Labour Board and that it mainly concerns the Stevedores Association and the Unions. At that meeting it was placed on record that the matter was under negotiations between the parties concerned, and that therefore the proceedings need not be proceeded with further. W.W. 1 testified that thereafter discussions continued between Mr. K. S. Dutt, President of the Stevedores Association, on the one side and the President of the two Unions on the other. According to W.W. 1, Mr. Dutt said that there was possibility of settlement if the Unions agreed to the Madras rates without insisting on the rates paid at Cochin, Bombay and Calcutta. The then President of the Visakhapatnam Port Trust, Mr. C. R. Reddy, is stated to have participated in those discussions, and according to W.W. 1, Mr. C. R. Reddy had suggested settlement by way of 4 per cent of the basic for the three years under claim and thereafter in line with the Madras rates. The Unions did not agree to it because at that time the dock workers at Madras were negotiating for higher rates. W.W. 1 finally said that the claim is for the average of the rates prevailing at Calcutta, Cochin, Bombay and Madras. In cross-examination by Mr. Srinivasamurthy the witness denied the suggestion that the President of the Stevedores Association did not say that he would agree to the Madras rates. Whether or not Mr. Dutt had said so, does not matter because the tonnage bonus for the three years under claim has to be worked out now. The requisite tonnage figures would be available both with the Stevedores and with the Dock Labour Board. W.W. 1 admitted in his cross-examination all of the facts and the circumstances which I had earlier set out as common ground, and which clearly show that the dock workers are the employees of the Dock Labour Board and that the latter is their employer. All those facts and circumstances are once again

repeated by Mr. D. Benerjee, M.W. 1, who is the Secretary of the Visakhapatnam Stevedores Association. It is from the testimony of these two witnesses that I had set down those facts and circumstances as being common ground between the parties, although Mr. D. Panda (M.W.2) who is the Deputy Chairman of the Dock Labour Board, is not prepared to agree that the said Board is the employer of the dock workers.

11 The evidence in chief of M.W. 1 Mr. Benerjee is mainly devoted to pointing out the facts and the circumstances which go to establish that the Dock Labour Board is the employer of the dock workers. This witness was cross-examined first by Mr. Panda and later by Mr. B. G. M. A. Narsing Rao who is the President of the Dock Workers Union followed by Mr. V. Jagannadharao representing the Port Khalasis Union. M.W. 1 admitted in cross-examination by Mr. Narsingrao that the Stevedores Associations at Calcutta, Bombay, Cochin and Madras had entered into agreements with the Unions of dock workers there in respect of payment of tonnage bonus, and that the pattern of calculation in those agreements is on dead weight ton basis, that being the pattern recommended by the Bonus Commission. Mr. Narsingrao elicited that four Stevedore Companies that have head offices at Calcutta have branches at Visakhapatnam, they being Roy & Chatterjee, Sarat Chatterjee, E. C Bose and Balalal Mookerjee. They are party to the reference. The witness admitted that the said head offices at Calcutta are party to the Calcutta Agreement with the dock workers there. The witness further admitted that two Stevedore Companies of Madras, viz., N. S. Chetty & Company and South India Corporation, have branches at Visakhapatnam. They are party to the Madras agreement with the dock workers there. The Visakhapatnam branches are party to the reference. The purpose of Mr. Narsing Rao eliciting this information from Mr. Benerjee is to point out that what the head offices at Calcutta and Madras had agreed to, could not be resisted at Visakhapatnam. In the main, the theme of Mr. Banerjee's evidence-in-chief was, as I said, to emphasise that the Dock Labour Board and not the Stevedore Association was the employer of the dock labour. He did not gain-say that the dock workers were entitled to tonnage bonus. In cross-examination by Mr. Jagannadharao for the Port Khalasis Union, Mr. Banerjee admitted Ex. W3 dated 31st May 1964 to be the first demand made by the Port Khalasis Union and that the said demand was in line with the existing system of payment of bonus in the Ports at Bombay and Madras. Mr. Jagannadharao drew Mr. Banerjee's attention to the letter Ex. W4 dated 31st December, 1966 addressed by the Stevedores Association to the Chairman, Dock Labour Board. It is in respect of bonus which the dock workers had been demanding. Therein it is stated that the Stevedores Association had requested the Visakhapatnam Steamship Agents Association for its views "with respect to the payment of bonus to the Stevedore workers as the Union have been consistently pressing this demand". The Steamship Agents Association is said to have replied that it would not be possible to reimburse the amount to the Stevedore employers, meaning that should the Stevedores pay the bonus that is demanded, there would be no reimbursement of the sum to the Stevedores from the Steamship Agents Association. In view of the stand said to have been taken by the Steamship Agents Association, the Stevedores Association says in Ex. W4 that it had no other alternative than to decline payment of bonus as the stevedoring rates when fixed with the Steamship Agents Association had not taken into consideration on the bonus that might be paid. When Mr. Jagannadharao pursued the subject further, Mr. Banerjee stated as follows:—

We have not calculated what would be the commitment in terms of money if the demand for bonus is conceded. We did not indicate any such amount to the Shipping Agents. At no stage we had calculated what such amount would be.

12. The plea taken by the Stevedores Association in Ex. W4 dated 31st December 1966 for declining to pay bonus is firstly, that the rates already fixed with the Steamship Agents Association did not provide for bonus payable by the Stevedores and, secondly, that the Steamship Agents Association had declined to make reimbursement. The Port Khalasis Union had put forward the demand for tonnage bonus against the Stevedores Association as far back as on 31st May 1964 by Ex. W3. The Stevedores Association had been aware of such a demand which had been persisted in the subsequent years also. In fact the Stevedores Association itself says in Ex. W4 that the Unions "have been consistently pressing this demand". And there was the fact that in the other Ports in the country tonnage bonus was being paid by agreements between the Stevedores Associations and Dock Workers Unions at those places. Certainly, the Stevedores Association, Visakhapatnam, would be aware of what was obtaining in this behalf at the other Ports. When the Port Khalasis Union put forward its demand on 31st May 1964, the Stevedores Association would certainly obtain in-

formation from the other ports as to what was happening there in this behalf. The Stevedores at Visakhapatnam could not possibly have thought that they and the dock workers at Visakhapatnam could be an exception to the rule that was obtaining at the other ports. That being so the Stevedores Association at Visakhapatnam should have taken the necessary precaution and steps to include what might be payable as bonus in the tonnage rates that are agreed to between the Stevedores Association and the Steamship Agents from time to time. Now to say, as stated by Mr. Benerjee in cross-examination by Mr. Jagannadharao, that the Stevedores did not at any time calculate what was likely to be the quantum of bonus, would amount to wanting to ignore what was obvious. Earlier in cross-examination by Mr. Narsingrao, Mr. Benerjee said that following an agreement between the Stevedores Association and the Dock Workers at Bombay, there was reimbursement by the Ship Owners to the Stevedores corresponding to the bonus paid to the workers. The same could well happen at the Visakhapatnam Port, and not all vessels calling at this Port would be tramp vessels.

13. The purpose of the discussion in the two foregoing paragraphs is not to hold that there was employer-employee relationship between the Stevedores and the dock workers at Visakhapatnam or to direct whatever bonus was payable for the three years under claim, should be paid by the Stevedores direct to the dock workers. The purpose is to point out that the stevedores cannot escape the ultimate liability therefore when the Dock Labour Board decides to increase the levy in respect of it. It is no doubt true that the Ports at Calcutta, Bombay, Madras and Cochin. rates in respect of tonnage bonus are fixed by agreements there between the Stevedores Associations and the Dock Labour Unions. Even so, Mr. Banerjee said that the Dock Labour Boards there distribute the bonus after collecting it from the Stevedores. There has not been any such agreement at Visakhapatnam between them, even though the demand was there from the first half of the year 1964. It is the Dock Labour Board that should pay the tonnage bonus under claim. The employer-employee relationship is between the Dock Labour Board and the Dock Workers. It is the Dock Labour Board that at last took the constructive step by entering into the agreement Ex. M4 dated 27th April 1967 after a protracted controversy ranging over a period of about three years.

14 I am directing that the Dock Labour Board should pay tonnage bonus to the dock workers for the three years under claim. It is left to the Dock Labour Board to increase the levy, if necessary, to meet this additional expenditure. In cross-examination by Mr. Jagannadharao, Mr. Banerjee suggested that the Dock Labour Board could pay the bonus to the dock workers from out of the prevalent levy of 105 per cent without seeking corresponding reimbursement from the Stevedores. This is what the witness said.

The Board would have enough balance left out in the levy after meeting its other commitments to pay bonus out of it to the stevedore workers without seeking reimbursement from the Stevedores. The Board has the power to increase the levy. If the Board decides to do so it could do so by a majority of the Members of the Board. In the Calcutta, Madras, Bombay and Cochin Ports the Dock Labour Boards there distribute the bonus after collecting it from the Stevedores.

In view of what Mr. Jagannadharao elicited as above in Mr. Banerjee's cross-examination, the stand taken by the Stevedores Association in Ex. W4 dated 31st December 1966 falls to the ground. There is no more any question of the Stevedores Association declining to pay, whatever may be the attitude of the Steamship Agents at Visakhapatnam. It is clear that the Dock Labour Board has to pay the bonus for the three years under claim, and it is also clear that the Board could, if and to the extent necessary, increase the levy to be paid by the Stevedores. Mr. Srinivasamurthy for the Stevedores Association argued that although the Dock Labour Board could increase the levy, it would be difficult for the Stevedores Association if the Dock Labour Board did so with retrospective effect from onward the claim for the year 1964-65 because the Shipping Agents might refuse to correspondingly reimburse the Stevedores, although the Board may do so for the future, that is, from onward the reference in this case. There might be that difficulty from the point of view of the Stevedores, but they had contributed to the predicament they say they would be faced with in this behalf, seeing that the demand for tonnage bonus has been there staring at them from onward 31st May 1964 (vide Ex. W3), and they should have made proper arrangements in that behalf with the Shipping Agents. It is possible that the Dock Labour Board may suitably phase the collection of the increased levy so as not to cause any hardship to the Stevedores. It may be noted that the Stevedores Association is the Administrative Body of the Dock

Labour Board and some of the representatives of the Stevedores are on the Dock Labour Board.

15. Mr. D. Panda (M.W. 2) was at pains to explain from the witness box that the Dock Labour Board was not liable to pay bonus claimed by the dock workers but that it is the Stevedores who should pay it. He admitted however that the dock workers were entitled to bonus. When everything else that is payable to the dock workers is paid by the Dock Labour Board, it is clear that it is the Dock Labour Board that should pay the bonus under claim for the three years under claim. And, moreover, it is not as if the Dock Labour Board has to tap any additional or outside source therefor. It has only to increase the levy to the extent needed to be paid by the Stevedores. In the actual working out of the problem, it is the Stevedores who would thus ultimately pay the bonus. Therefore there is no need to strain at the contention that the Board was not able to pay the same. I have already referred to Ex. M4 dated 27th April 1967 by which the Dock Labour Board agreed to make interim payment of Rs. 50 to each of the lower category of workers for each of the three years under claim, and at Rs. 60 similarly to the higher category of workers. Mr. Panda examined himself as witness. He does not refer to Ex. M4. The Stevedores Association is not as such party to that document. Clearly it is the Dock Labour Board that should pay the bonus to the dock workers for the three years under claim, and it could increase the levy payable by the Stevedores.

16. Now the question is what is the quantum of tonnage bonus for the three years under claim. At page 10 of the claims statement on behalf of the Port Khalasis Union figures of tonnage bonus paid to dock workers for the years 1964-65, 1965-66 and 1966-67 at the Ports at Bombay, Calcutta, Madras and Cochin are given. They are as below:—

	1964-65	1965-66	1966-67
Bombay	16 Paise	19 Paise	
Calcutta	16 Paise	19 Paise	
Madras	7 Paise	14 Paise	15 Paise
Cochin	12 Paise	14 Paise	

It will be noticed that what the tonnage bonus was for Bombay and Calcutta for the year 1966-67 and for Cochin for the year 1966-67 is not given above. I should think that that could not be less than what was paid for the year 1965-66 at those three Ports. Having regard to the figures given above, I should think that a fair mean for the Visakhapatnam Port would be to direct payment of tonnage bonus at 13 paise per ton for the year 1964-65 at 14 paise per ton for the year 1965-66 and at 15 paise per ton for the year 1966-67. It is so directed.

17. My finding under the issue in the reference is that the demand for payment of bonus to Dock Labour Board Workers employed at Visakhapatnam Port for the accounting years 1964-65, 1965-66 and 1966-67 is justified and that it shall be paid by the Dock Labour Board at the rate of 13 paise per ton handled in the year 1964-65, at the rate of 14 paise per ton for the year 1965-66 and at 15 paise per ton for the year 1966-67. What has already been paid according to the agreement Ex. M4 shall be deducted from what is payable as above.

AWARD passed accordingly.

Given under my hand and the seal of the Tribunal, this the 24th day of May, 1968.

(Sd.) M. NAJMUDDIN,

Industrial Tribunal.

## APPENDIX OF EVIDENCE IN I.D. No. 10/67

*Witnesses Examined for Workmen.**Witnesses Examined for Employers*

W. W. 1 Sri P. M. Naidu.

M.W. 1 Sri D. Banerjee.  
MW. 2 Sri D. Panda.*Documents Exhibited for workmen.*

- Ex. W.1 Agreement dt. 30th September, 1965 arrived between the Stevedores association of Calcutta and their workers in respect of bonus (Filed by Dock Workers' Union).
- Ex. W.2 Minutes of Discussions held on 5th July, 1967 between Gopalarao, Executive Officer of Dock Labour Board and Sri Benerjee, Secretary, Stevedores Association at the Office of the Asst. Commissioner of Labour (Central) (Filed by Khalasis Union).
- Ex. W.3 Demand of Khalasis Union dt. 31st May, 1964 addressed to the Stevedores Association, Visakhapatnam in respect of bonus to the Stevedores workers (Filed by Khalasis Union).
- Ex. W.4 Letter dt. 31st December, 1966 of Visakhapatnam Stevedores Association addressed to the Visakhapatnam Dock Labour Board in respect of bonus (Filed by Khalasis Union).
- Ex. W.5 Scheme for Visakhapatnam Dock Workers' Scheme (Filed by Khalasis Union).
- Ex. W.6 Agreement dt. 30th June, 1962, entered between the Bombay Stevedores Association and their workmen in respect of Bonus etc. (Filed by Khalasis Union).
- Ex. W.7 Dt. 25th May, 1966 is the demand of Khalasis Union in respect of bonus for the years 1964 and 1965 (Filed by Khalasis Union).
- Ex. W.8 Details of tonnage handled by the stevedores for the years 1964 and 1965.

*Documents Exhibited for Employers*

- Ex. M.1 Sample requisition form supplied by Dock Labour Board.
- Ex. M.2 Sample levy fixed by the Dock Labour Board.
- Ex. M.3 Statement showing the collection by levy, total expenditure and surplus balances.
- Ex. M.3(a) Position of various Funds.
- Ex. M.4 Agreements dt. 27-4-1967 in which Dock Labour Board, Dock Workers Union and Khalasis Union are parties.
- Ex. M.5 Minutes of the special meeting held on 1st May, 1967 of Visakhapatnam Labour Board.
- Ex. M.6 Report dt. 8th January, 1968 for the month of December, 1967 sent by Visakhapatnam Dock Labour Board (Administrative Body to its members).
- Ex. M.6 (a) Is the covering letter dt. 8th January, 1968 to Ex. M. 6.
- Ex. M.7. Dt. 20th December, 1967 is letter from Labour Officer (J. Venkatarao) to the Dy. Chairman of Visakhapatnam Dock Labour Board.
- Ex. M.8 Statement of Accounts in respect of amounts invested in the name of Dock Labour Board as on 31st December, 1967.
- Ex. M.9 Is printed sample form in respect of those injured on work.
- Ex. M.10 An instance of form of complaint by stevedores to the Labour Officer.
- Ex. M.11 Is printed sample form for making accident report from employer.
- Ex. M.12 Is minutes of meeting of Dock Labour Board for the year 1966-67 held on 28th February, 1967 (2 sheets).
- Ex. M.13 Statement dt. 16th February, 1967 of investments and reinvestments prepared by the Executive Officer of Dock Labour Board.
- Ex. M.14 Dt. 24th November, 1966 is notification of Government of India in respect of annual budget.

- Ex. M.15 Is ratification by the Dock Labour Board in respect of investment and reinvestment of funds.
- Ex. M.16 Is order directing attendance allowance.
- Ex. M.17 Is minutes of meeting of Dock Labour Board for the year 1966-67 held on 20th June, 1966.
- Ex. M.17 (a) Is covering letter by which the minutes were sent to all the members of D.L.B. (2 sheets).
- Ex. M.18 Minutes of the meeting of D.L.B. for the year 1966-67 held on 4th April, 1966.
- Ex. M.19 Copy of the letter dt. 5th December, 1964 from B. R. Seth, Deputy Secretary, Government of India, Ministry of Labour and Employment addressed to the D.L.B. Vizag in respect of recommendations of the Bonus Commission in regard to payment of bonus to Stevedores Labour.
- Ex. M.19 (a) Letter dt. 20th October, 1965 of Government of India, Ministry of Labour and Employment addressed to the Calcutta, Madras, Cochin, Vizag and Mormugao Dock Labour Boards in respect of Bonus according to Bonus Ordinance.
- Ex. M.19(b) Copy of the letter dt. 9th November, 1965 of Vizag Dock Labour Board addressed to the Visakhapatnam Stevedores Association in respect of recommendations of Bonus Commission in regard to payment of bonus to Stevedores Labour.
- Ex. M.19 (c) Text from Report of Bonus Commission 1964.
- Ex. M.19 (d) Copy of Confidential dt. 17th March 1966 from the Executive Officer, Vizag Dock Labour Board addressed to the Visakhapatnam Stevedores Association in respect of recommendations of Bonus Commission in regard to the payment of bonus to the Stevedores Labour.
- Ex. M.19 (e) do. dt. 28th May, 1966.
- Ex. M.19 (f) do. dt. 9th December, 1966.
- Ex. M.19 (g) Extract from the Minutes of Meeting No. 6 Dock Workers Advisory Committee held on 26th April, 1967 at Cochin.

Sd./- M. NAJMUDDIN,  
Industrial Tribunal.

[No. 28/21/67-LRIII.]

*New Delhi, the 15th June 1968*

**S.O. 2217.**—The following draft of a scheme further to amend the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th July, 1968.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

#### *Draft Scheme*

1. This Scheme may be called the Calcutta Dock Workers (Regulation of Employment) Amendment Scheme, 1968.

2. In clauses 44 and 45 of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, for the words "Personnel Officer" wherever they occur, the words "Labour Officer" shall be substituted.

[No. 628/45/66-Fac.II.]

## ORDER

*New Delhi, the 15th June 1968*

**S.O. 2218.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs Butterworth and Farmer (Master Stevedores) Calcutta and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad constituted under section 7A of the said Act.

## SCHEDULE

Whether the management of Messrs Butterworth and Farmer Calcutta, was justified in retrenching Sarvashree P. F. Manuel, Madan Mohan Mohanty, and Jay Gopal Das from the 16th January, 1968?

If not, to what relief are the workmen entitled?

[No. 28/25/68-LRIII.]

C. RAMDAS, Under Secy.

## (Department of Labour and Employment)

*New Delhi, the 14th June 1968*

**S.O. 2219.**—Whereas the Joint Working Committee of the Indian Mining Association, the Indian Mining Federation, the Indian Colliery Owners Association and the Madhya Pradesh and Vidarbha Mining Association, has, in pursuance of clause (iii) of sub-rule (1) of rule 3 of the Coal Mines Rescue Rules, 1959, nominated Shri A. K. Samanta of M/s. Pathardih Colliery as a member of the Central Coal Mines Rescue Stations Committee *vice* Shri S. N. Bhattacharya;

Now, therefore, in exercise of the powers conferred by rule 3 of the Coal Mines Rescue Rules, 1959, the Central Government, hereby makes the following amendment in the Notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 3310 dated the 13th October, 1965, namely:—

In the said Notification, for the entry against item 4, the following entry shall be substituted, namely:—

“Shri A. K. Samanta C/o M/s. Pathardih Colliery, Post Office Pathardih, District Dhanbad.”

[No. 14/11/68-MI.]

**S.O. 2220.**—PWA/Sec. 15(1)ATS/68.—In exercise of the powers conferred by sub-section (1) of section 15, read with section 24, of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby appoints every officer appointed by the Government of Himachal Pradesh under the said sub-section (1) of section 15, in respect of any specified area within the said union territory, to be the authority to hear and decide all claims arising out of deductions from the wages, or delay in payment of the wages, of persons employed or paid within such area, including all matters incidental to such claims, in air transport services.

[No. 638/6/66-Fac. I.]

VIDYA PRAKASH, Dy. Secy.

## (Department of Labour and Employment)

## CORRIGENDUM

*New Delhi, the 11th June 1968*

**S.O. 2221.**—In the Notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment)

No. S.O. 3883, dated the 27th October, 1967, and published in the Gazette of India Extraordinary, Part II, Section 3, sub-section (ii) at pages 1699-1700/67, at page 1700/27,—

- (i) for line 29, read "IV. Rs. 25 lakhs and above and less than Rs. 50 lakhs";
- (ii) in line 31, for "IV", read "VI".

[No. F. 60/18/68-LR.I.]

HANS RAJ CHHABRA, Under Secy.

**(Department of Rehabilitation)**

**(Office of the Chief Settlement Commissioner)**

*New Delhi, the 13th June 1968*

**S.O. 2222.**—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri S. P. Sud, Assistant Settlement Commissioner as Settlement Commissioner for the purpose of performing the functions assigned to such officers by or under the said Act.

[No. 5(4)AGZ/67.]

A. G. VASWANI,

Settlement Commissioner (A) &  
Ex-Officio Under Secy.

**MINISTRY OF COMMERCE**

*New Delhi, the 10th June 1968*

**S.O. 2223.**—Whereas the Central Government, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), is of opinion that it is necessary or expedient to amend the notification of the Government of India in the Ministry of Commerce No. S.O. 3918, dated the 16th December, 1965, read with the notification of the Government of India, Ministry of Commerce No. S.O. 2779, dated the 11th August, 1967, relating to quality control and inspection of coir products in the manner specified below for the development of the export trade of India, and has forwarded the proposals in that behalf to the Export Inspection Council, as required by sub-rule (2) of rule II of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to offer any objections or suggestions with respect to the said proposals may forward the same within thirty days of the date of publication of this notification in the Official Gazette to the Export Inspection Council, World Trade Centre, 14/I-B, Ezra Street, (7th floor), Calcutta-I.

**Proposals**

The notification of the Government of India in the Ministry of Commerce No. S.O. 3918, dated the 16th December, 1965 read with the notification of the Government of India, Ministry of Commerce No. S.O. 2779, dated the 11th August, 1967 shall be amended as follows:

In each of the said notifications, in the first paragraph—

- (i) for clause (c) of sub-paragraph (3) the following clause shall be substituted namely:—

“(c) the specifications which do not fall under clause (a) or (b) but formulated by a panel of experts, appointed by the Agency for the purpose of examining and approving samples submitted by the exporter”;

(ii) for sub-paragraph (4) the following sub-paragraph shall be substituted, namely:—

"(4) prohibits the export in the course of international trade of coir products unless the same is accompanied by a certificate issued by any one of the Export Inspection Agencies recognised under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), to the effect that the coir products conform to the specifications recognised under sub-paragraph (3)."

[No. F. 20(17) Exp. Insp. 67.]

S.O. 2224.—Whereas the Central Government, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), is of opinion that it is necessary or expedient to amend the notification of the Government of India in the Ministry of Commerce No. S.O. 2842, dated the 23rd September, 1966, relating to quality control and inspection of coir yarn in the manner specified below for the development of the export trade of India, and has forwarded the proposals in that behalf to the Export Inspection Council, as required by sub-rule (2) of rule II of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to offer any objections or suggestions with respect to the said proposals may forward the same within thirty days of the date of publication of this notification in the Official Gazette to the Export Inspection Council, World Trade Centre, 14/I-B, Ezra Street, (7th floor), Calcutta-I.

#### Proposals

The notification of the Government of India in the Ministry of Commerce No. S.O. 2842, dated the 23rd September 1966 shall be amended as follows:—

In the said notification, for sub-paragraph (4) of the first paragraph, the following sub-paragraph shall be substituted, namely:—

"(4) prohibits the export in the course of international trade of coir yarn unless the same is accompanied by a certificate issued by any one of the Export Inspection Agencies recognised under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), to the effect that the coir yarn conforms to the specifications recognised under sub-paragraph (3) and is export-worthy."

[No. F. 20(17) Exp. Insp. 67.]

P. V. RAMASWAMY, Under Secy.

*New Delhi, the 15th June 1968*

S.O. 2225.—In exercise of the powers conferred by section 27 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), the Central Government hereby exempts from the operation of section 15 of the said Act all non-transferable specific delivery contracts entered into—

- (i) by a linseed crusher or by his authorised agent for the purchase of linseed for crushing in his own mill; or
- (ii) by a farmer for the sale of linseed which is produced on land owned or held by him under a recognised tenure.

[No. 10(2)-CG(FMC)/68.]

M. L. GUPTA, Under Secy.

*New Delhi, the 17th June 1968*

**S.O. 2226.**—In exercise of the powers conferred under sub-section (1) of Section 6 of the Central Silk Board Act, 1948 (61 of 1948), and in supersession of this Ministry's Notification No. S.O. 3376 dated the 13th September, 1967, the Central Government hereby appoints Shri Mahabir Dass, Member, Rajya Sabha and Member of the Central Silk Board as Vice-Chairman of the Central Silk Board for the period upto and including the 8th April, 1970.

[No. F. 22/1/67-Tex(F).]

DAULAT RAM, Under Secy.

(Office of the Jt. Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDER

*New Delhi the 4th June 1968*

**S.O. 2227.**—M/s. M. G. Brothers, 3, Guru Nanak Auto Market, Kashmere Gate, Delhi-8 were granted an established importer Ad hoc NQQ licence No. P/EI/0156129/C/XX/23/CD/23-24 U.S. Aid Loan No. 160 dated 23rd March, 1967 for Rs. 35,000 for import of Motor Vehicle Parts as per Public Notice No. 117/66 subject to the terms and condition attached with the licence for S. No. 293.95.97/IV for April—March, 1967 licensing period. They have applied for the duplicate Custom Purpose Copy of the said licence on the ground that the original Custom Purpose copy of the licence has been lost or misplaced. It is further stated by the firm that the original Custom Purpose, copy of the licence was not registered with any custom house and has not been utilised.

In support of this declaration, the applicant has filed an affidavit duly attested by Oath Commissioner stating that the original Custom Purpose copy of the licence has been lost/misplaced.

I am satisfied that the said original Custom Purpose copy of licence No. P/EI/0156129/C/XX/23/CD/23-24/US Aid Loan No. 160 has been lost and direct that a duplicate Customs Purpose copy should be issued to the applicant. The original Custom Purpose copy of licence is cancelled.

[No. M-50/SL/USA-AID/AM-67/CLA/663.]

J. S. BEDI,

Joint Chief Controller of Imports & Exports.

(Office of the Dy. Chief Controller of Imports and Exports)

ORDER

*Panjim, the 7th June 1968*

**SUBJECT:**—Order for cancellation of Customs Purposes copy of licence No. P/EI/0003236 C/XX/20/G/20 dated 12th March, 1965 for Rs. 1,000 issued in favour of M/s. Ramnata Sinai Caro & Co., Margao-Goa.

**S.O. 2228.**—M/s. Ramnata Sinai Caro & Co., Margao were granted an import licence No. P/EI/0003236 dated 12th March, 1965 for Rs. 1,000 for import of instruments, apparatus and appliances, other than electrical including cinematographic but excluding articles otherwise specified in this schedule for the licensing period April, 1964—March 1965 from General Area. They have applied for duplicate of Customs Purposes copy of the above mentioned licence on the ground that the original Customs Purposes copy of the licence has been lost. It is further stated that the original licence is not registered with any Customs house and not utilised at all.

In support of this contention the applicant has filed an affidavit on stamped paper duly attested. I am statisfied that the original licence No. P/EI/003236 dated 12th March, 1965 has been lost and direct that the duplicate Customs Purposes copy of licence should be issued to the applicant. The original licence No. P/EI/003236 dated the 12th March, 1965 is cancelled.

[No. EI/11/92-n-V/AM85.]

R. D. PAWAR,

Dy. Chief Controller of Imports & Exports.

